1991 FINAL LEGISLATIVE REPORT

Fifty-Second Washington State Legislature

1990 Second Special Session
1991 Regular and First Special Sessions

1991 Final Legislative Report

This issue of the 1991 Final Legislative Report provides a pictorial view of many of the ways water is seen and utilized throughout the state. On the front cover a scene of Puget Sound; on the back cover an aerial view of Washington's coastline.

Photos courtesy of the Washington State Senate, Dick Baldwin and Karen Flemer, photographers.

The final edition of the 1991 Legislative Report is available from:

The Legislative Bill Room
Legislative Building
Olympia, Washington 98504

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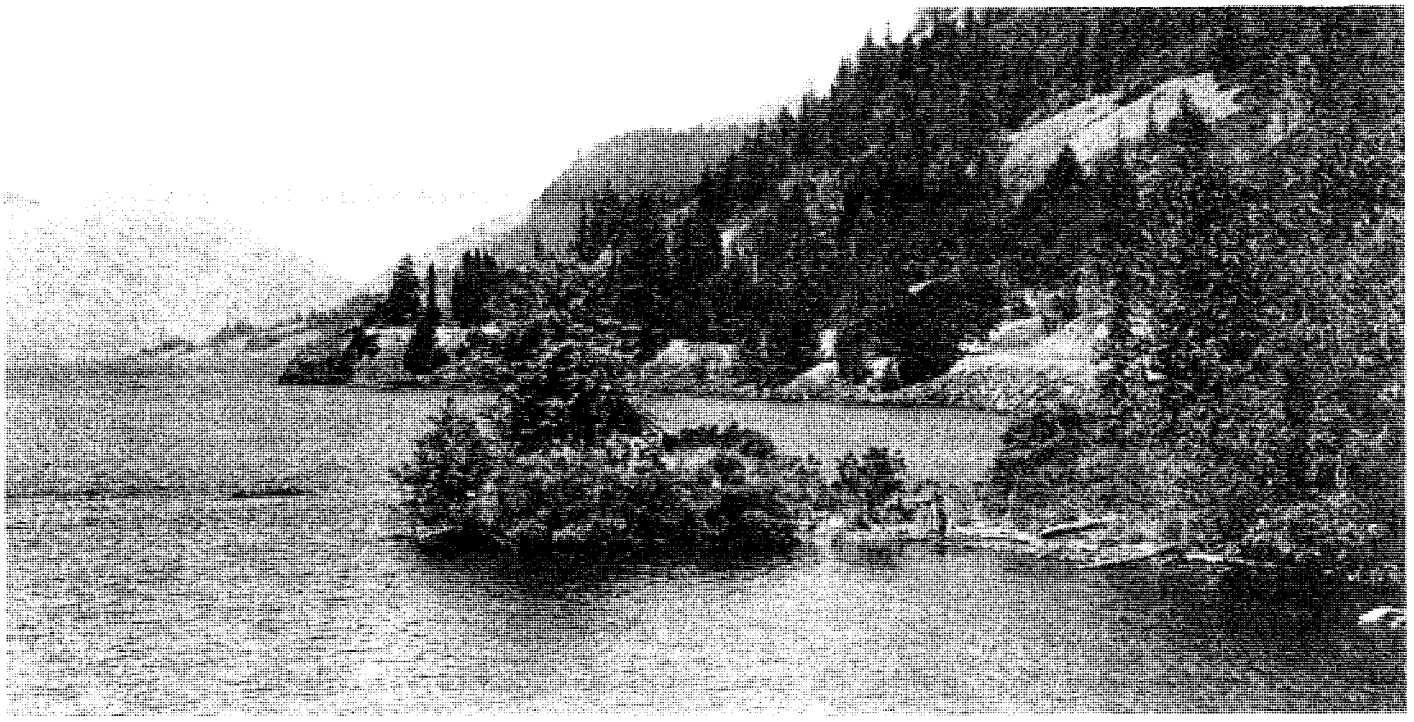
For more detailed information regarding the 1991 legislation, contact:

The House Office of Program Research
205 John L. O'Brien Building
Olympia, Washington 98504
(206) 786-7100

Senate Committee Services
101 John A. Cherberg Building
Olympia, Washington 98504
(206) 786-7400



Fifty-Second Washington State Legislature

1990 Second Special Session

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Water. One of the most extensive and important natural resources in the state of Washington, water is an invaluable asset that benefits the state's citizens in a variety of ways. Washington's shorelines, rivers and lakes provide a panorama of incredible beauty that attracts tourists from all corners of the earth. The state's varied waterways provide habitat for fish, plant and wildlife as well as many recreational opportunities for the sports enthusiast. This precious commodity is also used as a major source of energy for the northwest, as an arterial for shipping and commerce in the Pacific Rim trading arena, and plays a major role in the huge agriculture and aquaculture industries in the state.

Photos: above, the Columbia River near Beacon Rock; at right, Palouse Falls.

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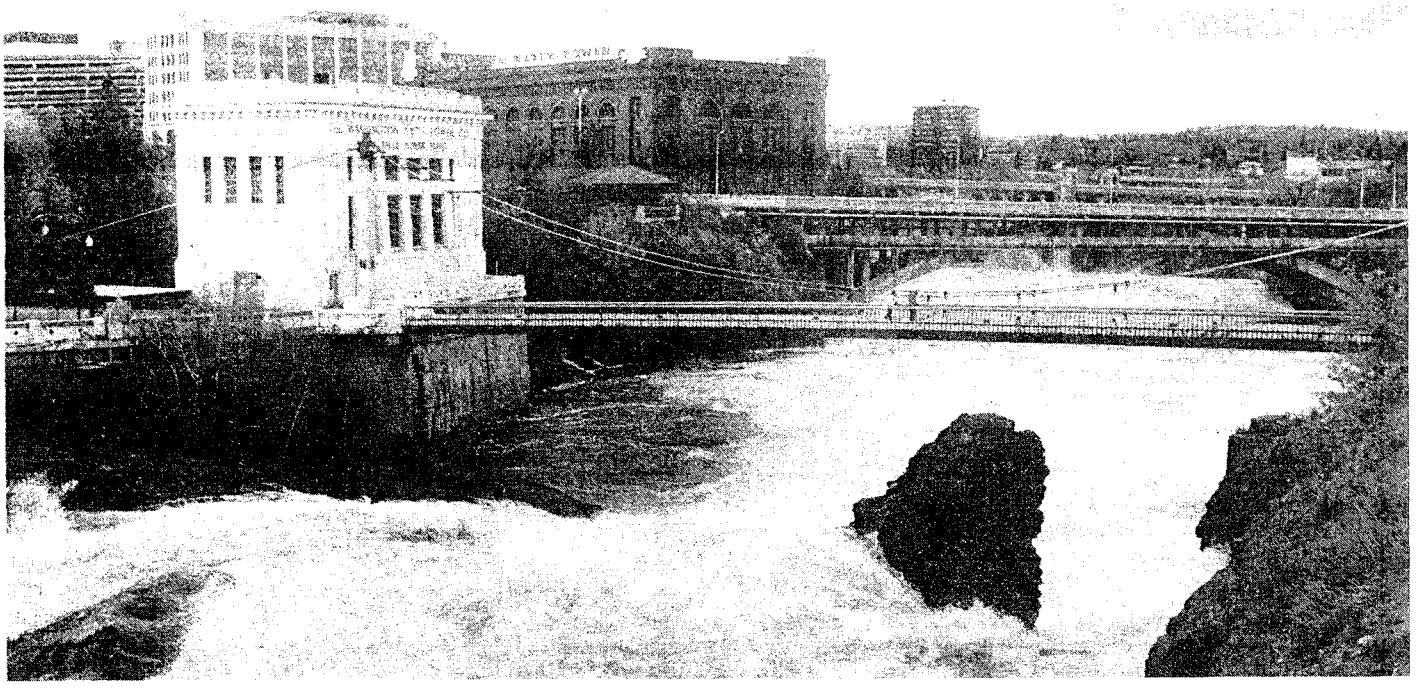

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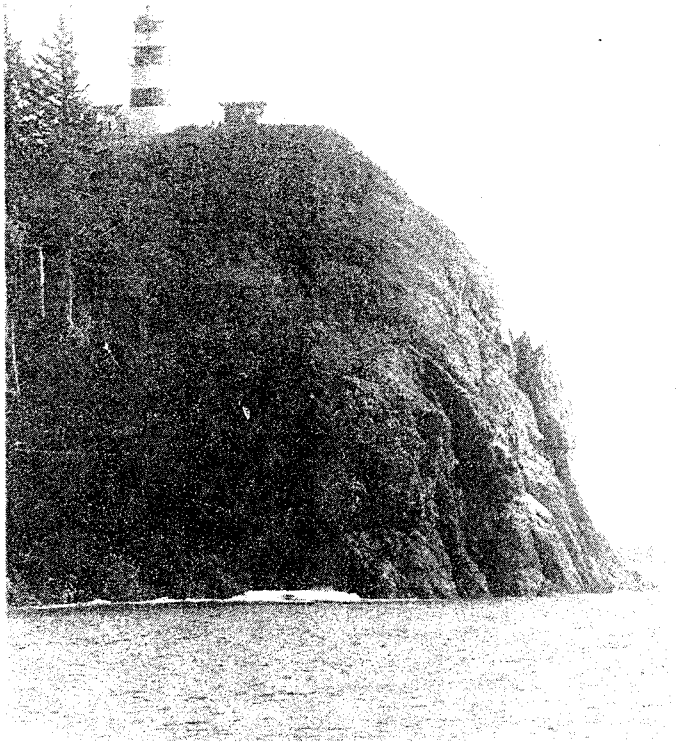


Section I - Legislation Passed

Section II - Veto Mesages

Section III - Indexes and Appendices

Photos: above, Spokane River; at right, North Head at Cape Disappointment.

Statistical Summary

1990 Second Special Session

Bills Before Legislature	Introduced	Passed Legislature	Vetoed	Partially Vetoed	Enacted
1990 Second Special Session (June 5)					
House	1	0	0	0	0
Senate	2	1	0	0	1
TOTALS	**3**	**1**	**0**	**0**	**1**

Initiatives, Joint Memorials, Joint Resolutions and Concurrent Resolutions Before Legislature	Introduced	Filed with the Secretary of State
1990 Second Special Session (June 5)		
House	1	1
Senate	2	0
TOTALS	**3**	**1**

1991 Regular and First Special Sessions

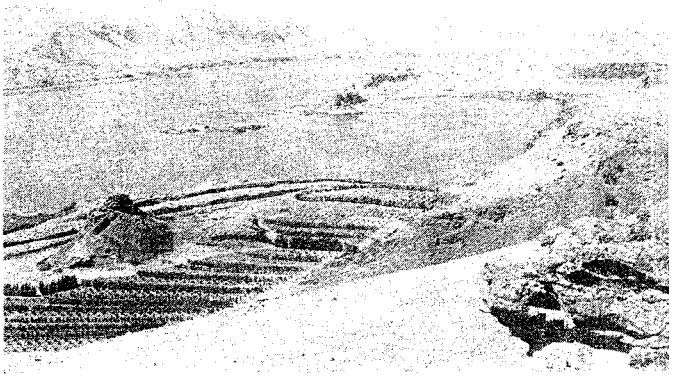
Bills Before Legislature	Introduced	Passed Legislature	Vetoed	Partially Vetoed	Enacted
1991 Regular Session (January 14 – April 28)					
House	1,200	222	2	21	220
Senate	985	152	6	16	146
1991 First Special Session (June 10 – June 30)					
House	13	19	0	6	19
Senate	25	13	1	2	12
TOTALS	**2,223**	**406**	**9**	**45**	**397**

Initiatives, Joint Memorials, Joint Resolutions and Concurrent Resolutions Before Legislature	Introduced	Filed with the Secretary of State
1991 Regular Session (January 14 – April 28)		
House	67	9
Senate	62	6
1991 First Special Session (June 10 – June 30)		
House	3	3
Senate	5	1
TOTALS	**137**	**19**
Initiatives		

Gubernatorial Appointments	Referred	Confirmed
1991 Regular Session	175	111
1991 First Special Session	8	0

Section I - Legislation Passed

House Legislation
Senate Legislation
Budget Information
Sunset Legislation



Photos: above, Central Washington irrigation and wetlands; right, top, a view of the Columbia River from the Maryhill Museum; right, bottom, Benton County.

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SHB 1008

C 68 L 91

Establishing requirements for labels for over-the-counter medications.

By House Committee on Health Care (originally sponsored by Representatives O'Brien, Dellwo, Wineberry and Winsley).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: The Board of Pharmacy regulates the practice of pharmacy and the distribution of drugs in this state, including controlled substances, legend (prescription) drugs, and over-the-counter (nonprescription) drugs.

Currently, the board has no authority to establish requirements for label information for over-the-counter drugs.

Summary: The Legislature finds that labels on packaged nonprescription drugs may be difficult to read and could pose a potential danger to the health and safety of customers.

Manufacturers of nonprescription drugs should evaluate and modify the labeling of nonprescription drugs for readability and clarity in both the cognitive and visual sense. The Nonprescription Drug Manufactures Association is invited to consult with, and seek advice from, the Board of Pharmacy on a quarterly basis. The board is authorized to appoint an advisory committee to provide assistance. The board must report to the Legislature by December 1, 1993 regarding progress toward improving the readability and clarity of labels.

This law expires on March 31, 1994.

Votes on Final Passage:

House	97	0
Senate	45	0

Effective: July 28, 1991

HB 1013

PARTIAL VETO

C 360 L 91

Changing provisions relating to newly incorporated cities and towns.

By Representatives Zellinsky, Ferguson, Haugen, Horn, Roland, Wood and Mitchell.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: City and town incorporation laws were altered fundamentally in 1986.

Prior to that time, city and town incorporations occurred at a single election, including both a vote on the issue of whether the area should incorporate and the election of the new city or town officials. If voters approved the incorporation, the incorporation became effective, and those persons elected as initial city or town officials took office immediately upon certification of the election results.

Under the 1986 changes, the city or town incorporation process extends over a period of time of up to one year after the initial election on the question of whether the area should incorporate. Three separate elections are held. First, an election is held to consider whether the area should incorporate. Second, if the incorporation is authorized, then an election is held to nominate persons for the initial city or town elective position. Third, an election is held to elect one person to each position. Immediately after the results of the third election are certified, the newly-elected officials take office in a limited capacity and provide for a transition of the area into a city or town.

During this transition period, ordinances can be adopted that are effective upon the official date of incorporation; staff can be hired; an election can be held for a library district or fire protection district to annex the new city or town, effective immediately upon the official date of incorporation; and, revenue anticipation notes or tax anticipation notes can be issued.

The city or town incorporation occurs officially 360 days after the date of the initial election authorizing the incorporation, unless during this transition period the city or town governing body adopts a resolution providing for an earlier official date of incorporation at least 180 days after the date of the initial election authorizing the incorporation.

Summary: The laws relating to city and town incorporations are modified.

The third Tuesday in July is designated as a new potential special election date to be used in the incorporation process as follows: (1) if the initial election to authorize the incorporation of the city or town were held in April or May, then the special election to nominate candidates for the initial elective positions would be at this new special election date; and (2) if the primary special election to nominate candidates was held in April or May, the special election to elect the initial city elective officers would be held at this new special election date.

Whenever a city or town governing body adopts an ordinance during the interim transition period for incorporation of the city or town, time requirements for publishing ordinances, and for potential referendum action

against ordinances, commence when the ordinances are approved.

During the interim transition period, a city or town and the city or town officials are subject to general statutes relating to the immunity of public officials from certain civil liability, public disclosure, the preservation and disposition of public records, ethics and conflicts of interest, open public meetings and requirements for meeting minutes, the publication of notices and ordinances, the designation of an official newspaper, liability insurance, public contracts and bidding, and the Interlocal Cooperation Act.

Specific authority is given for moneys to be borrowed during the transition period.

Specific authority is given for the adoption and use of standards under the State Environmental Policy Act (SEPA) during the transition period.

The process is clarified for a newly incorporated city or town to impose its initial property tax levy.

A newly incorporated city or town is required to adopt an interim budget during the interim transition period in consultation with the division of municipal corporations of the state auditor's office. Procedures are provided for the adoption of a budget for the city or town after its official date of incorporation, including preparation of a preliminary budget, public hearings on the preliminary budget, and adoption of the actual budget.

Provision is made for an interim city manager or administrator to be appointed or serve until the official date of incorporation, and for retention of this individual for up to 90 days pending selection of a city manager pursuant to regular procedures.

Local governments and state agencies are authorized to make loans of staff, equipment, and technical and financial assistance to a newly formed city or town during the interim transition period, and such loans and assistance may be made without compensation. The initially elected city or town officials serve until the next general municipal election held 12 or more months after the date when they were elected.

The city or town officials are authorized to borrow an amount not exceeding the lesser of $5 per capita or $100,000 from the municipal sales and use tax equalization account. Repayments to that account must be made over a three-year period.

The Department of Community Development must identify different agencies that should receive notification of the incorporation of a new city or town, and must assist the newly formed city or town to provide the notice during the interim transition period.

During the interim transition period, the governing body of a newly incorporated city or town may agree with the board of fire commissioners to delay for a one-year period the otherwise automatic removal of a fire protection district from the newly incorporated city.

The time period during which a library district or fire district may be required to serve all or part of a newly incorporated area is clarified to be until the new city or town receives its own property tax receipts.

The time period during which the county is required to provide road maintenance in a newly incorporated city or town is altered to be the lesser of 60 days or until at least 40 percent of the anticipated road district property tax distributions are made to the city or town, instead of whenever any road district property tax distributions are made to the city or town.

During the interim period, the governing body of the new city or town may adopt resolutions establishing moratoria during the interim period on the filing of applications with the county for development permits or applications.

The costs of every election relating to the city or town during its transition period shall be borne by the city or town.

The prohibition against holding an election to incorporate an area within three years of the date of an unsuccessful attempt to incorporate all or part of the area if the vote in favor of incorporation was 40 percent or less is altered to reduce the favorable vote that causes this prohibition to 30 percent or less. The three year prohibition does not apply to elections held before the effective date of the act when the vote in favor of incorporation received 30 percent or more of the vote.

Votes on Final Passage:

House	92	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

Effective: May 21, 1991

Partial Veto Summary: The section was vetoed that altered the existing restrictions on proposing to incorporate an area within three years of an unsuccessful election on the incorportation if the vote in favor of the incorportation was 40 percent or less. (See VETO MESSAGE)

SHB 1019

C 151 L 91

Allowing fees for efforts to prevent aquifer depletion.

By House Committee on Local Government (originally sponsored by Representatives Brough, Haugen, Mitchell and Ferguson).

House Committee on Local Government
Senate Committee on Environment & Natural Resources

Background: Aquifer protection areas are financing mechanisms that voters can authorize to finance water quality activities and water quality improvements.

Voters in aquifer protection areas can authorize the imposition of fees on the removal of water and for on-site sewage disposal within the aquifer protection area. The fees are expressed as a dollar amount per household and are used to finance water quality activities and facilities, including: (1) preparation of a comprehensive plan to protect and rehabilitate subterranean water; (2) construction of various facilities, including sanitary sewage facilities and stormwater sewer facilities; (3) the reduction of special assessments used to finance such facilities; and (4) monitoring and inspecting on-site sewage disposal systems.

Summary: Aquifer protection area laws are altered to include a statement that the depletion of subterranean water is of great concern and poses a threat to the safety and welfare of the citizens of this state.

Aquifer protection area fees may be used to finance the construction of water systems and the costs of monitoring the quality and quantity of subterranean water, to implement the comprehensive plan that is developed to protect subterranean water, to enforce compliance with standards and rules relating to the quality and quantity of subterranean waters, and for public education relating to the protection and enhancement of subterranean waters. It is clarified that use of the fees to prepare a comprehensive plan to protect and rehabilitate subterranean waters includes preparation of a ground water management program.

Votes on Final Passage:

House	96	0	
Senate	32	15	(Senate amended)
House	93	0	(House concurred)

Effective: July 28, 1991

HB 1024

C 243 L 91

Excluding certain driving record information pertaining to law enforcement officers and fire fighters from abstracts of driving records.

By Representatives Zellinsky, Broback, Dellwo, Haugen, Kremen, Day, Wineberry, Mielke, Orr, Inslee, Ebersole, R. Meyers, Paris, Schmidt, May, Edmondson, Van Luven, Sheldon, Pruitt, Winsley, Forner and Anderson.

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: The law permits insurance companies to obtain an abstract of the driving record of a person applying for insurance. However, abstracts may not contain information concerning an accident involving a law enforcement officer or fire fighter when the accident occurred during an emergency situation while the officer or fire fighter was driving an official vehicle in the course of duty, and when the officer's or fire fighter's superior has determined that the actions were reasonable under the circumstances.

Summary: Except for accidents resulting in misdemeanor or felony convictions, driving record abstracts may not contain information concerning an accident involving a law enforcement officer or fire fighter while such person was driving an official vehicle in the performance of duty. The authority of the officer's or fire fighter's superior to determine the reasonableness of the action is repealed, as is the requirement that the vehicle be driven during an emergency situation.

Votes on Final Passage:

House	97	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 28, 1991

ESHB 1025

PARTIAL VETO

C 32 L 91 E1

Establishing growth management strategies.

By House Committee on Appropriations (originally sponsored by Representatives Cantwell, Betrozoff, Roland, Heavey, R. Meyers, Dorn, Holland, Paris, Wineberry, Wilson, May, Phillips, Wang, Sprenkle, Horn, Van Luven, Spanel, Wood, Prentice, Leonard, Haugen, Rust, Fraser, Nelson, Pruitt, G. Fisher, Jacobsen, R. Fisher, Valle, Hine, Winsley, Rasmussen, Scott, Forner, Brekke and Anderson; by request of Governor Gardner).

House Committee on Appropriations

Background: The 1990 Growth Management Act (GMA) established goals to guide the planning activities of counties and cities that are required or that choose to plan under the GMA.

Who must plan: Counties with a population of at least 50,000 and growth of at least 10 percent over the last 10 years, counties of any size with at least 20 percent growth over the last 10 years, and the cities located in these counties, are required to comply with various growth management provisions. An excluded county can opt to place itself, and the cities located in

the county, under the GMA. Grants and technical assistance are provided to counties and cities that plan under the act.

Natural resource lands and critical areas: By September 1, 1991, every county and city in the state must designate natural resource lands and critical areas within its planning jurisdiction. The natural resource lands include forest lands, agricultural lands, and mineral resource lands that have long-term commercial importance for forestry, agriculture, or mineral extraction. The critical areas include wetlands, areas with critical recharging effect on aquifers used for portable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. Those counties and cities that plan under the GMA must protect the designated natural resource lands and critical areas from incompatible land uses by September 1, 1991, although prior permitted uses cannot be prohibited until development regulations are adopted to implement the comprehensive plan under the GMA.

Comprehensive planning: By July 1, 1993, comprehensive plans adopted under the GMA must include the following:

1. urban growth areas (UGAs) designated by each county after consultation with cities. If agreement is not reached, the county designates the UGAs but must justify the designations;
2. natural resource lands;
3. critical areas; and,
4. other planning elements, including land use, housing, capital facilities, utilities, transportation, and, for counties, a rural element. The transportation element includes specific requirements for the provision of transportation improvements concurrently with development activity.

The comprehensive plans must be internally consistent. The elements relating to capital facilities, including transportation facilities, must be consistent and coordinated with the land use element. The comprehensive plan of any county and city that plans under the GMA must be coordinated with the comprehensive plans of those counties and cities also planning under the GMA which have, in part, common borders or related regional issues.

Within one year of adopting its comprehensive plan, each county and city that plans under the GMA must adopt development regulations that implement its plan.

Regional planning: Provisions are made for the development of regional transportation plans by Regional Transportation Planning Organizations.

Encouraging economic growth statewide: Several provisions encourage economic development statewide, especially in rural areas experiencing little or no growth. These provisions focus on building local capacity for economic growth in rural areas, developing rural-urban links, and studying ways to make state economic development services more effective and more accessible, particularly in rural communities.

Other provisions: Counties and cities that plan under the GMA may impose impact fees on development activities to finance: (1) streets and roads; (2) publicly owned parks, open spaces, and recreational facilities; (3) school facilities; and (4) city or town fire protection facilities. The fees may be imposed if the county or city has adopted a capital facilities element in its comprehensive plan that addresses the types of facilities for which impact fees are imposed.

Counties and cities that are required to plan under the GMA may impose housing relocation fees on development activities that remove low-income housing.

Counties and cities that are required to plan under the GMA may impose an additional real estate excise tax of up to 0.25 percent to finance capital facilities specified in the capital facilities element of their comprehensive plans. Other counties and cities that choose to plan under the GMA may submit a ballot proposition to their voters to authorize the imposition of this tax.

Summary: The 1990 Growth Management Act (GMA) is modified and expanded.

Natural resource lands and critical areas: All counties and cities must protect critical areas. Counties and cities not required to protect these critical areas by September 1, 1991 must do so by March 1, 1992. The Department of Community Development (DCD) can extend the deadline for designating or protecting natural resource lands and critical areas for up to 180 days.

The restriction is removed from the GMA that interim development regulations to protect natural resource lands and critical areas may not prohibit prior permitted uses. Interim development regulations to protect natural resource lands may not prohibit uses legally existing on any parcel prior to the adoption of the interim development regulations.

Counties and cities must provide a notice on all plats and development or building permits pertaining to property within 300 feet of designated natural resource lands stating that the subject property is near land where commercial activity may occur that is not compatible with residential development. Land in an urban growth area cannot be designated as forest or agricultural land unless the county or city has enacted a program authorizing transfer of development rights or purchase of development rights.

Open space must be acquired by the state or local government in some circumstances.

Comprehensive planning: Comprehensive plans of counties and cities cannot exclude the siting of essential public facilities. Examples of essential public facilities

include airports, state education facilities, regional transportation facilities, state and local correction facilities, solid waste handling facilities, and in-patient facilities.

Exceptions are made to the 1990 requirements regarding urban growth areas (UGAs). New Fully Contained Communities and Master Planned Resorts are allowed outside UGAs if certain criteria are met. These criteria include: (1) provision for these communities or resorts in the comprehensive plan; (2) provision for buffers between these communities and resorts and urban areas; (3) provision for protection of critical areas; and (4) provision for fully providing necessary infrastructure. Also, for New Fully Contained Communities, the 20-year growth management planning population projection, which determines the size of the UGAs in the county, must be allocated between UGAs and proposed new communities. Once approved, a new fully contained community becomes a separate urban growth area.

Interjurisdictional coordination: A county-wide planning policy must be adopted by counties planning under the GMA, with agreement and input from cities. The purpose of these planning policies is to help counties and cities meet the interjurisdictional consistency requirements of the GMA. A process for developing a county-wide planning policy must be established by October 1, 1991, and the planning policy must be adopted by July 1, 1992. The planning policy must address: (1) urban growth areas; (2) provision of urban services; (3) siting state and regional public facilities; (4) transportation; (5) affordable housing; (6) planning within UGAs; (7) economic development; and (8) fiscal impacts.

A multi-county planning policy must be adopted by Snohomish, King, and Pierce counties. Other counties may adopt a multi-county planning policy.

State requirements: State agencies must comply with county and city comprehensive plans and development regulations adopted under the GMA.

The Department of Community Development (DCD) must adopt procedural criteria to assist counties and cities adopt comprehensive plans and development regulations that meet the goals and requirements of the GMA. DCD shall administer between two and four environmental planning pilot projects.

The attorney general must adopt a process, by October 1, 1991, for state agencies and local governments to use to evaluate whether proposed actions may constitute an unconstitutional taking of private property.

Growth Planning Hearings Boards: Three Growth Planning Hearings Boards are created to resolve disputes regarding the GMA. One board is established for Eastern Washington, one for Western Washington, and one for Central Puget Sound (Snohomish, King, Pierce, and Kitsap counties).

The boards hear petitions on whether state agencies, counties, and cities comply with the requirements of the GMA, and whether the 20-year growth planning population projections prepared by the Office of Financial Management (OFM) should be adjusted. Petitions to the board alleging non-compliance with the GMA may be filed by the state, counties, cities, and persons: (1) who are aggrieved; (2) who appeared at a local government hearing; or (3) who are certified by the governor.

The petitioner to the board, alleging non-compliance with the GMA, must demonstrate that the state, county, or city erroneously interpreted or applied the GMA. Comprehensive plans or development regulations adopted under the GMA are presumed valid upon adoption.

A board must consider the procedural criteria adopted by DCD when making its decisions.

Incentives and sanctions: Some existing state-funded infrastructure financing programs used by local governments are made contingent on meeting the planning requirements of the GMA.

The governor may impose sanctions on a state agency, county, or city for failing to comply with the requirements of the GMA, if the appropriate Growth Planning Hearings Board finds (1) the agency, county, or city not to be in compliance and (2) the agency, county, or city fails to come into compliance within the time authorized by the board. The governor may also impose sanctions on counties and cities that fail to adopt an adequate county-wide planning policy. The governor may withhold from counties and cities rural and urban arterial trust funds, as well as gas, real estate excise, sales and use, liquor profit, and liquor excise tax revenue. The governor may reduce state agency allotments.

Other provisions: Recommendations on natural resources of state-wide significance are to be made to the Legislature, by December 31, 1991, by a committee comprised of representatives of several state agencies, local governments, and the general public. The committee must report on: (1) criteria that could be used to identify natural resources of statewide significance; (2) minimum standards to protect designated natural resources of statewide significance; (3) the need for acquisition of natural resources of statewide significance; and (4) issues regarding designating mineral resource lands with long-term commercial significance.

The statewide requirement that evidence of an adequate water supply be presented before a building permit is issued is modified to allow the state and local governments to mutually agree to exempt some areas not planning under the GMA from this requirement.

Votes on Final Passage:
House 59 38
First Special Session
House 69 22
Senate 29 15

Effective: July 15, 1991

Partial Veto Summary: The provision requiring that government protect some open space by purchase is eliminated. (See VETO MESSAGE)

ESHB 1027

PARTIAL VETO

C 200 L 91

Adopting oil and hazardous substance spill prevention and response provisions.

By House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Phillips, Heavey, Anderson, Basich, Vance, Wineberry, Wilson, R. Johnson, Wang, Sprenkle, Spanel, Miller, Ogden, Jones, Prentice, Leonard, Inslee, Fraser, R. King, Nelson, Pruitt, G. Fisher, Jacobsen, R. Fisher, Valle, Roland, Hine, Winsley, Rasmussen, Appelwick and Brekke; by request of Governor Gardner).

House Committee on Environmental Affairs
House Committee on Revenue
Senate Committee on Environment & Natural Resources
Senate Committee on Ways & Means

Background: Introduction: In December, 1988, the Nestucca barge spilled approximately 231,000 gallons of oil near Grays Harbor. The spill affected the coasts of both Washington State and the Province of British Columbia.

In response to the Nestucca spill, Governor Gardner and British Columbia Premier William Vander Zalm created the British Columbia/Washington Task Force on Oil Spills. After the Exxon Valdez spill in April 1989, Alaska, Oregon, and California joined Washington and British Columbia to form the States/B.C. Task Force. The mission of the task force was to seek ways to prevent oil spills, to review oil spill response procedures, to look at methods of determining compensation claims, and to develop a coordinated plan for preventing and responding to spills. The task force issued its final report in October 1990. The report makes 46 joint recommendations. They involve issues of vessel traffic, vessel design, personnel, enforcement, regulatory oversight, education, interstate cooperation, and future studies. In addition to the 46 joint recommendations, each of the task force members made other recommendations for adoption by the individual states. Washington made nine recommendations for state action. They call for efforts to reduce navigation conflicts, use of state lease authority to regulate activity on state lands, and fees and incentives to obtain compliance with state objectives.

Contingency plans: Under Washington law, operators of tankers and barges carrying oil in bulk, cargo and passenger vessels 300 gross tons or larger, and oil processing and storage facilities located near navigable waters which receive oil from a tank vessel are required to prepare and submit to the Department of Ecology plans for the prevention, containment, and cleanup of oil spills.

By July 1, 1991 the Department of Ecology must adopt rules prescribing standards for the preparation of the plans.

The department will approve plans that have adequate personnel, equipment, notification procedures, and logistical arrangements. In reviewing plans, the department must consider the nature of vessel traffic and the amount of oil and hazardous substances transported in the area covered by a plan, navigational hazards, prior history of spills in the area, and the sensitivity of the environment. Plans must be reviewed and updated at least once every five years. The department will publish an index of approved contingency plans and an inventory of available spill containment and cleanup equipment.

To determine the adequacy of the plans, the department must require practice drills of those providing cleanup services. The department must prepare a report summarizing the results of these drills.

Plans approved by the department are binding on the persons submitting them. The department may obtain court orders to enforce the plans. Approval of a plan by the department does not guarantee the adequacy of the plan and is not a defense against liability for damages caused by a spill.

Pollution liability: State law makes it illegal for any person to pollute state waters. A person who pollutes state waters may be subject to both criminal and civil penalties. The person is also liable for any damage to the environment, including the cost of restoring damaged natural resources and the lost value of those resources until they are restored.

A person who spills oil in Washington waters and fails to immediately collect the oil is responsible for the expenses in cleaning up the spill. The State imposes strict liability for damages on the person owning the oil or having control over the oil. Strict liability may be avoided if the person can demonstrate that the spill was caused by an act of war or by negligence on the part of the state or the United States.

A person responding to an oil spill is partially immune from liability for damages caused by that person in responding to an oil spill. The state, local governments, volunteers, and qualified cleanup contractors responding to a spill are liable only for damage caused by actions taken in bad faith or with gross negligence.

Standards for tow lines and bunkering activities: The Department of Ecology is directed to develop standards for the use of tow lines by barges carrying oil or hazardous substances and to develop a program for voluntary compliance with those standards. The department is also directed to study state authority to impose the standards and report the results of its study to the Legislature by July 1, 1991.

Any person conducting refuelling, bunkering, or lightering operations is required to have containment and recovery equipment available. Persons involved in the transfer operations must be trained in the use of oil spill containment and recovery equipment. The department may adopt rules for bunkering and refuelling operations and the lightering of petroleum products.

Financial responsibility: Operators of inland barges carrying oil or hazardous substances and of oil tankers must maintain financial responsibility of at least $1 million.

Pilots: The state Board of Pilotage is responsible for licensing pilots in Washington state waters. The board sets standards for testing and may fine, suspend, or revoke the license of a pilot who violates board rules or causes an accident resulting in damage to or loss of a vessel.

The board has seven members. The board is chaired by the assistant secretary of the marine division of the Department of Transportation. The six additional members are appointed by the governor and represent pilots, the shipping industry, and the public.

Every two years, the board is required to hold pilot examinations and to develop grading sheets for the examinations. The board may require a pilot applicant and a pilot subject to sanctions by the board to take vessel simulator training. The board is required to establish rules for the size and type of vessels new pilots may pilot. The rules are required to apply to the first three years in which a pilot is employed.

Four times a year, pilots are required to submit a report to the board dealing with the fees received for piloting and the vessels to which the pilot has been assigned. The master of a vessel which employs a pilot must certify on a form developed by the board that the vessel complies with federal safety requirements and international safety and equipment requirements.

Maritime Commission: In 1990, the Legislature established the Maritime Commission to develop an emergency response system for vessels which have not made arrangements with clean-up contractors prior to entry into Washington waters. A majority of the commission's members are elected. The commission may assess a fee against vessels which have not made arrangements with a cleanup contractor.

Resource damage assessments: Washington statutes provide two separate procedures governing resource damage assessments. One procedure applies to any violation of Washington's clean water laws. This general procedure requires the responsible party to pay for restoration costs or lost value of the resource. The second procedure applies specifically to spills of oil. The departments of Ecology, Fisheries, Wildlife, and Natural Resources are required to develop a compensation table for spills of oil. The table is to provide for compensation of not less than $5 a gallon and not more than $50 a gallon spilled. Prior to using the table, the Department of Ecology must convene a committee to determine whether the table should be used or whether another method of assessing damages should be used. Any money recovered under either of these procedures is placed in the Coastal Protection Fund, together with any penalties, fees, or damages. The fund may be used to pay for agency spill response expenses.

Energy facility siting: The Energy Facility Site Evaluation Council must recommend to the governor whether to approve the siting of major energy facilities, including oil transmission pipelines.

Summary: Office of Marine Safety: An Office of Marine Safety is created. The administrator of the office is appointed by the governor. The office has authority for marine safety issues in this state. Duties of the Department of Ecology relating to vessel response plans, barge cable standards, and bunkering operations are transferred to the office. The Department of Ecology retains authority over facilities and spill response.

The office is directed to review the federal vessel inspection program. If it determines the federal program does not adequately protect the state's waters, the office shall develop a state tank vessel inspection program.

The office shall establish at least three regional marine safety committees: one for the North Puget Sound/Strait of Juan de Fuca, one for South Puget Sound, and one for the Pacific Coast. The office is also directed to work with Oregon to establish a committee for the Columbia River. The administrator shall appoint to each committee six members of the public, representing a cross section of interests. Each committee shall prepare a regional marine safety plan governing vessel traffic and shall submit the plan to the office for approval. The office is responsible for implementing those committee recommendations that are within the state's power. Each committee is also directed to re-

view federal standards for barge tow cables and report to the office on whether state standards should be adopted.

By July 1, 1992, the office shall also establish an emergency response system for the Strait of Juan de Fuca based on recommendations from the regional marine safety committees.

Those involved in refuelling, bunkering, or lightering operations must deploy containment and recovery equipment in accordance with standards adopted by the office.

Contingency and prevention plans: Contingency plans also are required for facilities which transfer oil to a tank vessel or which transfer oil to or receive oil from a pipeline.

Spill prevention plans are also required for those facilities as well as for tank vessels. A prevention plan must disclose the measures that the vessel or facility operator has taken to reduce the likelihood of a spill. In addition, the operator of a facility must describe measures the facility will take during the five-year period covered by the plan to further reduce the likelihood of a spill.

The Office of Marine Safety is required to adopt rules to identify cargo and passenger vessels which pose a risk to the state's navigable waters and to develop methods to reduce the risk of spills from those vessels.

The Department of Ecology is required to develop certification procedures for key facility personnel. The department must require each facility to have an operations manual. The department shall also adopt standards for the transfer and handling of oil at onshore and offshore facilities.

The director of the Department of Ecology is the head of the state incident command system.

Marine Oversight Board: A five member marine oversight board is established to review the activities of the federal government, industry, and state agencies in marine spill prevention and response. The board is required to make appropriate recommendations for corrective action to the governor, the Legislature, federal agencies, and state agencies. The Puget Sound Water Quality Authority may incorporate the recommendations of the board in the authority's management plan, but may not duplicate the studies of the board.

Penalties: The owner of a facility or vessel must indemnify an employee of a facility or a vessel who is fined by the Department of Ecology for negligently spilling oil into the water.

A person who, with criminal recklessness and while navigating, piloting, or being in physical control of the motion of a tank vessel, causes the vessel to spill oil is guilty of a class C felony. Operation of a cargo or passenger vessel or a tank vessel while intoxicated or under the influence of intoxicating drugs is a class C felony.

Financial responsibility: The minimum level of financial responsibility for tank vessels carrying oil is increased to $500 million. The administrator of the Office of Marine Safety may set a lower level of financial responsibility for barges of 300 gross tons or less. Operators of cargo and passenger vessels over 300 gross tons must have financial responsibility for the greater of $500,000 or $600 per gross ton. Operators of onshore and offshore facilities must maintain financial responsibility in an amount determined by the Department of Ecology.

Funding: A tax is imposed on oil delivered at marine terminals within the state. The tax is not applicable to oil or other petroleum products which are subsequently exported. The total amount of the tax is five cents a barrel, with three cents deposited into an administration account and two cents deposited into a response account. Both accounts are subject to appropriation. The administrative account may be used for administrative expenses incurred in carrying out the oil spill prevention and response program. The response account may be used to defray state agency costs in responding to spills where the expense is expected to exceed $50,000.

Resource damage assessments: Provisions relating to resource damage assessments are consolidated into one set of procedures. After any spill or incident causing damage to the natural resources of the state, a preassessment screening shall be conducted by the Department of Ecology. In cases involving a spill of oil, the department may use a compensation table to determine the amount of damages.

Pilots: Two new members are added to the Board of Pilotage: the administrator of the Office of Marine Safety and a representative of an environmental organization.

The board may hold examinations for pilots when necessary. The board is not required to develop any specific number of examination sheets. The board must require a pilot against whom sanctions have been imposed to take vessel simulator training. A pilot in his or her first year of active duty and every five years thereafter must take vessel simulator training. The board may require additional simulator training for pilot applicants unable to become active pilots upon licensing.

The board's rules shall establish a five-year period during which new pilots will be allowed to progressively handle larger and different types of vessels.

The pilot's report submitted to the board shall include a statement of any accidents or near miss incidents which occurred while the pilot was on duty. The information shall be forwarded to the Office of Marine

Safety. Information in the report may not be used for imposition of any penalties or sanctions.

The certification required of a master of a vessel to the pilot is replaced by a requirement that the master certify to the United States Coast Guard that the vessel complies with federal law, including the federal Oil Pollution Act of 1990.

Maritime Commission: The members of the maritime commission are appointed by the governor. The administrator of the Office of Marine Safety has oversight of the commission and must approve any fees proposed by the commission. The commission is directed to report to the governor, the Office of Marine Safety, and the Legislature annually on its work and on recommendations for improvement in the marine transportation system.

Miscellaneous provisions: The Department of Natural Resources shall include in its leases provisions requiring operators of onshore and offshore facilities to comply with the spill prevention and response provisions. The leases shall also provide that failure to comply with these provisions is grounds for termination of the lease.

When considering an application for an oil transmission pipeline, the Energy Facility Site Evaluation Council shall give appropriate consideration to local government siting standards for the protection of sole source aquifers.

The Department of Ecology, the Office of Marine Safety, and the Marine Oversight Board are required to study and report on issues relating to the transportation and storage of hazardous substances on or near the state's waters. An interim report is required to be made to the Legislature by December 1, 1991, and a final report by November 1, 1992. The Department of Ecology is required to report on the implementation of the spill prevention and response provisions and its coordination with federal law.

The division of fire protection shall establish and manage an incident response training program.

The members of the Marine Oversight Board, the Maritime Commission, and the Board of Pilotage, and the Administrator of the Office of Marine Safety are subject to the Public Disclosure Act.

The Office of Marine Safety is terminated and its duties are transferred to the Department of Ecology on June 30, 1997. The Legislative Budget Committee shall report to the Legislature not later than November 15, 1996 on the future implementation of the provisions relating to marine transportation.

Except for provisions relating to the oil tax, the act contains an emergency clause and takes effect immediately. The oil tax provisions take effect October 1, 1991. If the bill is not referenced in the biennial budget prior to June 30, 1991 it is null and void.

Votes on Final Passage:

House	86	12	
Senate	40	7	(Senate amended)
House	93	3	(House concurred)

Effective: May 15, 1991
October 1, 1991 (Sections 801-804 and 808-809)

Partial Veto Summary: The veto strikes a section amending an existing statute providing for a civil penalty for the negligent spill of oil into the water. The amendment would have required the employer to indemnify an employee for any penalties assessed as a result of the employee's negligence. The veto also strikes a section amending an existing statute which requires a Washington pilot to obtain from the master of a vessel which employs the pilot a certification that the vessel meets federal safety standards. The amendment would have required the master to make this certification to the Coast Guard. Finally, the veto strikes a section making the bill null and void if it is not referenced in the biennial budget. (See VETO MESSAGE)

ESHB 1028

PARTIAL VETO

C 199 L 91

Making major changes to air quality laws.

By House Committee on Environmental Affairs (originally sponsored by Representatives Pruitt, Horn, Rust, Heavey, Anderson, Wineberry, Phillips, Wang, Sprenkle, Jones, Prentice, Fraser, Nelson, G. Fisher, Jacobsen, R. Fisher, Valle, Roland, Hine and Brekke; by request of Governor Gardner).

House Committee on Environmental Affairs
House Committee on Revenue
Senate Committee on Environment & Natural Resources
Senate Committee on Ways & Means

Background: This past year, Congress passed the first major revisions to the Federal Clean Air Act in two decades. The 1990 federal act is very prescriptive for geographic areas that do not meet federal air quality standards. These areas are required to implement various control strategies by specified dates or face automatic sanctions. Depending on the pollutant, these sanctions include: additional emission control programs, possible curtailment of new construction, and pollution reduction requirements on existing industries.

The federal act requires states to have operating permits for certain industrial pollution sources, including all sources emitting 100 or more tons of regulated pollutants per year. Washington is one of the few states in the country that does not require major sources of air pollution to have an operating permit. Under the act, a permitted source will be reviewed a minimum of every five years. At such time, the industrial source may be required to further reduce emissions, depending on the severity of local air quality and the availability of new technology. Permitted sources will be required to pay fees, based on the amount of pollutants emitted, to cover all the direct and indirect costs of the operating permit program.

The federal act also requires permitted sources to install pollution control technology. New or modified industrial sources are required to meet "lowest achievable emission reductions" (LAER) standards in non-attainment areas and "best available control technology" (BACT) standards in attainment areas. Existing industrial sources must meet "reasonably available control technology" (RACT) standards. LAER is a more stringent and more expensive standard than BACT. BACT is a more stringent and generally more expensive standard than RACT.

The federal act addresses pollution from motor vehicles through a number of provisions, including tighter emission specifications for fuel and vehicles. Additionally, all areas not meeting federal standards for carbon monoxide and ozone are required to test vehicle emissions. This provision will expand this state's current inspection and maintenance program, currently in effect for the greater Seattle and Spokane areas, to the urban area from Everett to Tacoma, and the greater Vancouver area.

The federal act also contains a number of provisions to address toxic air pollutants, global warming, acid rain, civil and criminal penalties, citizen suits, and research and development.

In this state, air pollution is increasingly recognized as a serious environmental threat. Last year, citizens and representatives from several state and federal agencies independently cited air pollution as the state's top environmental problem during the governor's Environment 2010 project.

Washington currently has 13 areas, located across the state, officially designated as "non-attainment" areas - areas that do not meet federal air quality standards. Several other areas in the state are suspected of not meeting federal standards. The Department of Ecology estimates that 3 million people in the state live in areas with unhealthful levels of air pollution.

Though individual areas may differ considerably, the statewide annual average contribution to air pollution is as follows: motor vehicles 45 percent, industrial sources 25 percent, woodstoves and fireplaces 20 percent, and outdoor burning 10 percent.

Air pollution is regulated at the local level by counties or groups of counties known as local air pollution control authorities. If a county chooses not to form a local air authority, the area is regulated by the Department of Ecology. In addition, the department has exclusive authority over air pollution from certain facilities, such as pulp mills and aluminum smelters.

Summary:

Goals and Public Policy:

A number of legislative findings and goals are established. These sections generally reflect three principles: 1) all air polluters should pay for the costs of air pollution; 2) state laws should prevent deterioration of air quality; and 3) state government should be a role model in reducing air pollution.

Motor Vehicles and Fuels:

Inspection and Maintenance (I&M) Program: The repair waiver of the inspection and maintenance program is increased from $50 to $100 for pre-1981 vehicles. However, if the EPA disapproves of the repair waiver, the repair waiver will be at least $450 for all vehicles, as per federal law.

Diesel-powered cars and trucks are included in the inspection program. The I&M Program is to remain biennial unless the Environmental Protection Agency (EPA) requires an annual program. State agencies outside inspection boundaries will be required to annually inspect vehicle emissions if the agency has a fleet of 20 or more vehicles. A legislative task force is created to help low-income persons owning older cars with excess vehicle emissions to purchase newer, less-polluting vehicles. The January 1, 1993 termination date of the I&M program is deleted. House and Senate committees are no longer involved in reviewing I&M boundaries. Motor vehicle dealers in non-attainment areas must disclose certain information to car buyers relating to the vehicle emission tests.

Alternative fuels: The Department of Ecology (Ecology) is directfd to develop emission specifications for clean-fuels and clean-fuel vehicles. At least 30 percent of vehicles purchased through a state contract must be designated as clean fuel vehicles. Beginning in 1992, the Department of Ecology and other state agencies are to prepare a biennial report on the effectiveness of the procurement program. The Utilities and Transportation Commission is directed to identify barriers to establishing re-fueling stations for compressed natural gas and to develop policies to remove those barriers. Ecology may disburse matching grants to local governments to offset the costs of purchase or operation of clean fuel vehicles used for public transit. The state Energy Office

is to convene a group to study the feasibility of using compressed natural gas as a school bus fuel.

Conformity: Transportation projects must conform with the state air plan if the project is in, or affects, a non-attainment area.

Motor vehicle registration fee: A $2.25 clean air fee is added to all registered vehicles. Farm vehicles are exempt from the fee. The air pollution control account is created. Funds from the additional $2.25 registration fee are deposited into the account. The fee is reduced to $2.00 beginning in July of 1993.

Emission standards/solar cars: The Department of Ecology must recommend to the Legislature whether or not to adopt California vehicle emission standards. Ecology is directed to contract with Western Washington University to conduct research and development on solar cars and other clean fuel vehicles.

Industrial and Commercial Pollution Sources:

Ecology and local air authorities are required to issue renewable operating permits to sources required to have permits under federal law, and sources in areas of poor air quality if identified by Ecology or a local air authority as a public health threat.

New and modified sources are required to meet the BACT standard, except where federal law requires the source to meet the LAER standard. Existing sources must meet the RACT emission standard.

For calendar years 1991 and 1992, a $10 interim fee is imposed on sources emitting 100 or more tons of a regulated pollutant. Eight dollars will go to Ecology for developing the operating permit program; $2 will go to local air authorities for their costs in developing the permit program. Ecology must recommend fee levels to the Legislature for the cost of implementing or overseeing the operating permit program by November 1, 1992.

Ecology must develop recommendations to reduce air emissions for sources that are not subject to industrial permits and emit 10 or more tons of a criteria pollutant or one or more tons of a toxic pollutant .

Ecology may require, by rule, sources to install generic technology requirements. Such rules must account for the remaining useful life of any existing control technology that an affected source has previously installed. Ecology is directed to provide information and technical assistance to help small businesses comply with the provisions of this act.

Persons guilty of violating the State Clean Air Act or the inspection and maintenance program are subject to a fine of up to $10,000 and the cost of investigation and prosecution, or by imprisonment of up to one year, or both fine and imprisonment. Persons who knowingly release hazardous pollutants in violation of the act, are subject to a fine of up to $50,000 and/or imprisonment of up to five years. Civil penalties are increased from $1,000 per day to $10,000 per day. Other enforcement actions are specified. A science advisory board is created to recommend methods to evaluate the risks associated with toxic air pollutants.

Local air authorities must notify a source of a violation at least 30 days before taking enforcement action and offer the violator a chance to meet with the authority.

Actions of the Department of Ecology and local air authorities preempt other state and local government entities on actions relating to air pollution from hazardous material storage as regulated under the uniform building and fire codes. The Department of Ecology is to develop rules for excusable excess emissions.

Outdoor Burning:

Outdoor burning is prohibited in areas that exceed federal air quality standards for pollutants emitted by outdoor burning, urban growth areas as defined in the Growth Management Act, and cities of 10,000 or more if the city is threatened to exceed federal standards and has a alternative disposal option readily available. Permits are required for residential outdoor burning and commercial land clearing.

Silvicultural burning: The Department of Natural Resources (DNR) must administer a program to reduce silvicultural slash burn emissions 20 percent by 1994, and 50 percent by 2000. Emission reductions apply to all forest lands, including those owned by the U.S. Forest Service. DNR must take actions to limit emissions if goals are not met. DNR is required to assess permit fees at a level to cover permitting costs. Silvicultural burns are prohibited during periods of air impairment. DNR must encourage alternative forest practices to reduce the need for burning.

Agricultural burning: Agricultural burning is prohibited during periods of air impairment. An advisory committee is established to recommend fee levels and to identify best management practices and research and development needs. The Department of Ecology must set agricultural burning fees at the level recommended by the agricultural burning task force. The fees cannot exceed $2.50 per acre except for increases for inflation. Persons implementing best management practices are eligible for reduced fees.

Woodstoves and Fireplaces:

New woodstoves sold after January 1, 1995 must meet an emission standard of 4.5 grams per hour for non-catalytic stoves and 2.5 grams per hour for catalytic stoves. However, if the EPA develops a new way to measure emissions, the standards will be adjusted to be equivalent to the 2.5 and 4.5 gram standards.

On January 1, 1992 the fee on new woodstove sales is increased from $15 to $30. New woodstoves offered

for sale must have a label comparing the level of emissions of the woodstove to emissions from gas and oil heating systems. An adequate source of heat, from other than woodstoves, is required for new and modified construction in urban growth areas and in areas in non-attainment for particulate matter. All used woodstoves installed after January 1, 1992, must be certified woodstoves. Fireplaces, except masonry fireplaces, must meet 1990 federal woodstove emission standards beginning in 1997.

Factory built fireplaces must meet 1990 EPA woodstoves standards by January 1997. The Building Code Council shall adopt rules by January 1, 1997 establishing a methodology for testing factory-built fireplaces designed to achieve standard equivalence to the EPA standard. The state Building Code Council must adopt design standards for masonry fireplaces before January 1, 1997. Actions by local governments concerning woodstove emission, opacity, and certification standards are preempted by any actions taken by the Department of Ecology or local air authorities. A task force is created to recommend methods to buy back old, high polluting woodstoves.

Global Warming and Ozone Depletion:

Persons repairing refrigeration systems, including automobile air conditioners, are required to collect and recycle chlorofluorocarbons (CFC's). The sale of certain CFC-containing products is prohibited, including kits for the home repair of vehicle air conditioning. Certain exemptions are provided. Ecology may not issue fines in areas where equipment to collect, recycle, or transport CFC's is not available.

Miscellaneous Sections:

Reasonable available control methods are required for sources or source categories contributing to the majority of statewide emissions. The Department of Ecology is to adopt rules for all source categories by July 1, 1996.

Rules adopted by local air authorities must comply with certain requirements of the Administrative Procedures Act. Local air authorities must appoint a full-time control officer and meet at least 10 times per year.

Votes on Final Passage:

House	65	31	
Senate	31	15	(Senate amended)
House	70	26	(House concurred)

Effective: May 15, 1991
January 1, 1992 (Sections 210 and 505)
July 1, 1992 (Sections 602 - 603)
January 1, 1993 (Sections 202 - 209)

Partial Veto Message: The legislative task force to assist persons with vehicles that fail emission tests and the legislative task force to encourage homeowners to voluntarily remove non-certified woodstoves are vetoed. (See VETO MESSAGE)

ESHB 1031

C 82 L 91

Making various changes in sewer and water district law.

By House Committee on Local Government (originally sponsored by Representatives Wood, Haugen, Ferguson, Nelson, Horn, Roland, Paris and Nealey).

House Committee on Local Government
Senate Committee on Energy & Utilities

Background: Sewer districts and water districts are authorized to hire staff and provide staff with compensation, as well as health care services, group insurance, and term life insurance. No provisions of law exist concerning the provision of insurance benefits for sewer district or water district commissioners.

Whenever a sewer district or water district leases its real property, the district is required to secure the lease by a performance bond with a penalty of an amount equal to the larger of "one-sixth of the term of the lease" or one year's rental.

In 1989, a statute relating to the general powers of water districts was amended twice in separate legislation.

Sewer districts and other local governments may impose utility charges for the availability of service, while water districts only may impose utility charges for actually providing service.

Summary: A sewer district, or water district, with 5,000 or more customers providing health, group, or life insurance benefits to its employees may provide its commissioners with the same coverage.

The board of commissioners of a sewer district or water district may require a reasonable security deposit, in lieu of a performance bond, whenever district property is leased.

The water district statute that was amended twice in 1989 is reenacted to remove any ambiguity about the effect of the changes.

Water districts are authorized to adopt water conservation plans and emergency water use restrictions that are enforceable by the imposition of fines. The commissioners may provide by resolution that if the fines are not paid for a specified period of time, the fines become a separate item for inclusion in the property owner billing.

A sewer district or water district may operate and maintain park or recreational facilities on real property that it owns or has an interest in that is not immediately

necessary for its purposes. If the park or facilities are operated by someone other than the district, the operator shall indemnify and hold the district harmless for any injury or damage caused by his or her actions.

A water district may charge for providing water service to an intermittent or transient customer that is connected to its facilities regardless of the amount of water, if any, that is used.

Votes on Final Passage:

House	97	0	
Senate	47	1	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

HB 1032

C 176 L 91

Providing county reimbursement for selected transportation of human remains.

By Representatives Haugen, Ferguson, Cooper, Nealey and Chandler.

House Committee on Local Government
House Committee on Appropriations
Senate Committee on Governmental Operations

Background: A county is not allowed to charge for the removal of any body to the county morgue or for the care of a body at the county morgue. After investigation, and at the request of relatives or friends, the county is required to deliver the body to friends at any point in the city without charge.

One person a year is trained in forensic pathology through a fellowship program in forensic pathology at the University of Washington's School of Medicine.

The state toxicology laboratory is overseen by a nine-member Washington State Death Investigation Council, consisting of various law enforcement officials, one state legislator, and one pathologist in private practice. This council and the president of the University of Washington control the laboratory's operations and make recommendations on cost-efficient improvements in death investigations.

Three dollars of the charge imposed for issuing a certified copy of certain vital statistic records, such as death certificates, is placed into the death investigations account and used to finance various activities, including the state toxicology laboratory, the state dental investigation system, the state death investigations council, and the state forensic pathology fellowship program.

Summary: A county is responsible for paying the reasonable costs of transporting human remains whenever the coroner or medical examiner assumes jurisdiction over human remains and directs the remains to be transported by a funeral establishment and either the funeral establishment transporting the remains is not providing the funeral or disposition services or the funeral establishment providing the funeral or disposition services is required to transport the remains to a facility other than its own.

Any transportation costs or other costs incurred after the coroner or medical examiner releases jurisdiction over human remains are not to be borne by the county, except for the costs related to paying for the burial of indigent persons, and indigent veterans and their family members, or costs incurred by the county while operating a county cemetery.

The Washington State Death Investigations Council and the chairperson of the Pathology Department of the University of Washington's School of Medicine are jointly responsible for administering the state forensic pathology fellowship program and determining the program's budget and the annual salary of the fellow.

The statute that provides for disbursements from the death investigations account is altered to clarify that disbursements are made to: (1) the state toxicology laboratory; (2) counties for the costs of certain autopsies, (3) the University of Washington for the state forensic pathology fellowship program; (4) the state patrol to partially fund the dental identification system; (5) the criminal justice training commission for training county coroners, medical examiners, and their staffs, and (6) the State Death Investigations Council.

The Washington State Death Investigations Council is directed to develop training on sudden, unexplained child death. The training is to be offered to responders, coroners, medical examiners, prosecuting attorneys serving as coroners, and investigators, on both a voluntary basis through their various associations and as a course offering at the Criminal Justice Training Center.

Votes on Final Passage:

House	98	0	
Senate	45	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 28, 1991

HB 1040

C 152 L 91

Authorizing municipal utilities to reimburse the city or town for management services.

By Representatives Rayburn, Lisk, Haugen and Bray.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Like many other cities and towns, the city of Grandview has traditionally apportioned part of the duties of its city administrator to its utility department and paid that portion of the city administrator's salary out of its utility fund. During an audit of Grandview, the state auditor questioned this practice since no statute expressly authorizes it. Subsequently, an assistant attorney general stated in a letter relating to this issue that since salaries of municipal employees are current expenses, all salaries must be paid out of the city's current expense fund.

Summary: Whenever a city or town apportions a percentage of the management staff's time for the administration, oversight, or supervision of a utility operated by the city or town, the utility budget may reimburse the city's or town's current expense fund for the value of the services. Management staff may include a city manager, administrator, or supervisor.

Votes on Final Passage:

House	96	0
Senate	45	2

Effective: July 28, 1991

SHB 1050

C 138 L 91

Modifying the type of emergency medical service districts that may impose excess levies.

By House Committee on Local Government (originally sponsored by Representatives Morris, Cooper, Wynne, Peery, Ogden, Wang, Nealey and H. Myers).

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Five separate units of local government are authorized to submit requests to their voters to authorize regular property tax levies, of up to 25 cents per $1,000 of assessed valuation for six years, to finance emergency medical services within the local government. These local governments are counties, cities and towns, fire protection districts, public hospital districts, and emergency medical service districts.

Every local government that has been authorized to impose regular property taxes also has been authorized to impose excess property tax levies, except for emergency medical service districts.

An emergency medical service district is created by the county legislative authority and may include all or part of the unincorporated territory in the county. The only powers of an emergency medical service district are to impose voter approved regular property taxes and to provide emergency medical services within the district's boundaries.

Records from the Department of Revenue indicate that for collections in 1990, 142 different taxing districts were imposing regular property tax levies to finance emergency medical services, including 79 fire protection districts, 38 cities or towns, 18 emergency medical service districts, four public hospital districts, and three counties. In addition, Thurston County imposes an excess property tax levy to finance emergency medical services in the county.

Summary: Any emergency medical service district with a population density of less than 1,000 persons per square mile is authorized to impose excess property tax levies.

A drafting error is corrected to reflect that transportation benefit districts are authorized to impose excess property tax levies.

Votes on Final Passage:

House	94	0
Senate	44	0

Effective: July 28, 1991

SHB 1051

PARTIAL VETO

C 128 L 91

Requiring international student exchange visitor placement organizations to be registered.

By House Committee on Higher Education (originally sponsored by Representatives Fraser, Forner, Prince, Jacobsen, Van Luven, Peery, Brough, Miller, Cantwell, Basich, Valle, Ogden, Dellwo, Wood, Ludwig, Sheldon, Morris, Tate, Ferguson, Silver, May, Ballard, Bowman, Haugen, Brumsickle, Jones, Broback, R. King, Mitchell, McLean and Winsley).

House Committee on Higher Education
Senate Committee on Education

Background: Currently, the state of Washington does not require registration of organizations that place international exchange student visitors in public schools. Many questions and concerns have arisen over the past several months concerning such organizations. Some of the practices that have caused concern in Washington include: recruitment of host families in shopping center parking lots; application for enrollment by foreign students who lack English speaking skills; lack of a local representative for students to contact; misrepresentation of the medical condition of a foreign exchange student; and the sexual abuse of a foreign student.

Two organizations currently exist which set standards for international travel and monitor compliance with those standards. Those organizations are the United States Information Agency and the Council on Standards for International Education.

The United States Information Agency (USIA) is the federal agency responsible for managing the J Visa Program. An exchange visitor sponsored by an exchange program must have a J Visa to enter the United States. In order to obtain the J Visa an organization obtains a Certificate of Eligibility for Exchange Visitor Status (IAP-66 form) from the USIA and then provides the form to potential participants. This form is issued by USIA to organizations that have been designated as program sponsors, pursuant to the Immigration and Nationality Act. USIA requires an organization to meet a set of standards. Those standards address a wide range of issues including selection of students, orientation of students and host families, health and accident insurance, acceptance of students, employment of students, and supervision of the sponsor.

The Council on Standards for International Educational Travel (CSIET) was created in December 1984. CSIET was created after a study by the Council of Chief State School Officers assessed the need for industry-wide exchange standards and pointed out a number of problems and potential problems in the exchange and international educational travel field. Representatives of a group of educational associations, community-volunteer based groups and exchange program sponsors then met in 1984 to consider and develop standards and a system of program evaluation. CSIET sets standards for international travel programs, evaluates travel programs, and publishes an advisory list of international educational travel and exchange programs as a service to schools and prospective international high school programs.

There is also a third category of organizations that place international exchange students in Washington public schools. These organizations provide services for F Visa students. Students who enter the country on an F Visa are sponsored by the school which they attend. Schools may initiate this process, or organizations may coordinate the program and seek sponsorship from individual schools. The Immigration and Naturalization Service is the agency responsible for managing the F Visa Program. An academic student, sponsored by the school which the student will attend, must have an F Visa. In order to obtain the F Visa the student or an organization representing the student must obtain a Certificate of Eligibility of Academic Status (I-20AB form). This form is issued by a school authorized to accept and enroll foreign students. The student must meet certain conditions established by the Immigration and Naturalization Service before the F Visa is issued.

In the past, Washington public schools have placed students from organizations that are USIA designated, students from programs listed with CSIET, and F Visa students. No procedure exists on a state level, however, to determine the status of international exchange student visitors in public schools.

Summary: International student exchange visitor placement organizations that place students in Washington public schools must register with the secretary of state. Registration is not considered an endorsement by the secretary of state or the state. Failure to register is a misdemeanor.

The secretary of state will adopt standards which the organizations must meet to be eligible for registration. In adopting the standards, the secretary will strive to adopt USIA and CSIET standards and will strive to achieve uniformity with national standards. The secretary of state may incorporate standards established by USIA and CSIET by reference. A designation by USIA or a listing by CSIET may also be accepted as evidence of compliance with the standards adopted by the secretary of state.

The information required in the registration form is outlined. The information includes: (1) the name, address, and telephone number of the person within the organization responsible for placement; (2) evidence that the organization meets the Washington standards; (3) the organization's unified business identification number; (4) whether the organization is exempt from federal income tax; and (5) a list of the organization's placements in Washington for the previous academic year, including the number of students placed, their home countries, the school districts in which they were placed, and the length of their placements. The secretary of state may charge fees not to exceed $50 to defray the cost of processing the registrations.

The student exchange organizations must provide their exchange students, host families, and superintendent of the school district in which the student is being placed an informational document regarding services to be provided and telephone numbers for assistance.

Placing students without being registered, deliberately providing false registration information, or deliberately failing to provide students, host families, and school districts the information prescribed is a misdemeanor. A violation of the act is also a violation of the Consumer Protection Act.

Annually, the Superintendent of Public Instruction (SPI) will make available to schools summary information about registered international student exchange visitor placement organizations and provide general in-

formation and assistance to school districts regarding international student exchange visitors.

The Superintendent of Public Instruction is also authorized to coordinate and sponsor student and teacher exchanges between Washington schools and schools in Pacific Rim nations and other nations, subject to available funding.

A Task Force on International Student Exchange is created to be chaired by the secretary of state. The task force will estimate the number of exchange students going to and from Washington; investigate ways to promote international student and teacher exchanges, with an emphasis on sending more Washington students to other nations; examine reported problems in the industry and the effect of the act on those problems; and examine the adequacy of the fee structure established in the act. The task force is to report its findings and recommendations to the Legislature by December 1, 1992.

The child care agency licensing statute is clarified. Organizations which place exchange students or international student exchange visitors are specifically excluded from the definition of agency used in the child care licensing statute.

Votes on Final Passage:

House	96	0	
Senate	44	1	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991 (Section 12)
January 1, 1992 (Sections 1-11 and 8-16)

Partial Veto Summary: The governor vetoed Section 12 of the legislation eliminating the requirement for a Task Force on International Student Exchange. (See VETO MESSAGE)

SHB 1052

PARTIAL VETO

C 126 L 91

Revising provisions for public assistance.

By House Committee on Human Services (originally sponsored by Representatives Leonard, Winsley, Riley and Basich; by request of Department of Social and Health Services).

House Committee on Human Services
House Committee on Appropriations
Senate Committee on Children & Family Services

Background: The Family Support Act of 1989, also known as the Jobs Opportunities and Basic Skills Program (JOBS), requires every state which participates in the Aid to Families with Dependent Children Program (AFDC) to provide comprehensive employment and training programs for AFDC applicants and recipients. States which have statutory authority to provide employment and training programs for AFDC recipients must comply with the Family Support Act of 1989. In 1990 the Legislature authorized the Department of Social and Health Services to provide general assistance benefits to women who relinquish their babies for adoption. The benefits continue for six weeks after the birth of the child.

Applicants for public assistance who own real property over the amount allowed for eligibility purposes may receive assistance if they make a good faith effort to dispose of the property.

Summary: Existing statutes relating to the Community Work and Training Program are repealed and replaced with language authorizing the Department of Social and Health Services to operate a Job Opportunities and Basic Skills Training Program consistent with the Family Support Act of 1989. General assistance benefits to women who relinquish their babies for adoption are extended from six weeks following birth to the end of the month in which the period of six weeks falls. Applicants for public assistance who own real property over the amount allowed for eligibility purposes may receive assistance for nine months if the applicant complies with procedures for disposing of real property.

Votes on Final Passage:

House	98	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

Partial Veto Summary: The null and void clause is removed from the legislation. (See VETO MESSAGE)

SHB 1054

C 111 L 91

Revising provisions for reports of abuse of children or adult dependent or developmentally disabled persons.

By House Committee on Human Services (originally sponsored by Representatives Leonard, Winsley, Riley, Orr, R. King and Sheldon; by request of Dept. of Social and Health Services).

House Committee on Human Services
Senate Committee on Children & Family Services

Background: There is confusion concerning the duty of health care practitioners, professional school personnel, or other professionals in social services or related fields, to report the incidence of abuse on a legally competent adult when the abuse occurred before the adult turned 18 years of age.

During the 1987 session, the statute which establishes a central registry of child abuse, or abuse of an adult dependent or developmentally disabled person, was amended twice. The original statute was also repealed; however, inadvertently, the two amendments were not repealed and remain in Washington law. The Division of Family and Youth Services has not used the Central Registry of Child Abuse and Neglect since January 1988.

Summary: Mandatory abuse reporting requirements apply only to instances related to persons who are currently children, developmentally disabled, or adult dependents. Reports of abuse or neglect will include the identity of the accused, if known.

Statutory references to the central registry of child abuse and neglect are repealed.

Votes on Final Passage:

House	98	0	
Senate	45	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 28, 1991

HB 1057

C 63 L 91

Providing protection to the lieutenant governor.

By Representatives Anderson, McLean, R. Fisher, Ferguson and Miller; by request of Washington State Patrol.

House Committee on State Government
Senate Committee on Governmental Operations

Background: The Washington State Patrol is directed by statute to provide security and protection to the governor and the governor's family. The governor-elect also receives this protection after the November election.

In practice, the State Patrol has also been providing this service to the lieutenant governor. The 1990 supplemental budget included an appropriation to pay for the provision of protective services for the lieutenant governor.

Summary: The State Patrol is directed to provide security and protection to the lieutenant governor in addition to protecting the governor and the governor's family.

Votes on Final Passage:

House	98	0
Senate	44	0

Effective: July 28, 1991

ESHB 1058

PARTIAL VETO

C 13 L 91 E1

Reorganizing treasurer-managed funds and accounts.

By House Committee on Revenue (originally sponsored by Representatives Wang, Holland and Fraser; by request of State Treasurer and Office of Financial Management).

House Committee on Revenue
Senate Committee on Ways & Means

Background: The treasurer's office manages over 300 funds and accounts, some of which are inactive. The disposition of interest income earned by these funds and accounts varies considerably. The majority of accounts retain 80 percent of their interest earnings and pay 20 percent to the general fund-state. Some of the remaining accounts keep all of their interest earnings, while the rest retain no interest earnings.

Interest earnings from approximately 40 trust and treasury funds are deposited in the State Treasurer's Service Fund to cover administrative expenses of the treasurer's office. Nothing is deducted from the remaining funds and accounts to compensate the treasurer for the expense of managing each fund or account.

Summary: The distribution of interest earnings for the 1991-93 biennium is changed such that interest earnings from the majority of funds and accounts are deposited in the general fund. With two exceptions, the only accounts retaining their interest earnings are those accounts:

1. Subject to a contractual agreement that all revenues in the account are to be spent for a specific purpose;
2. The income of which is derived from trust lands originally granted at statehood;
3. The revenues of which are collected by the state and are subsequently distributed to local governments;
4. The revenues of which are derived from state employee contributions to retirement and workers' compensation programs; and
5. The revenues of which are dedicated to transportation related programs.

Two accounts that retain their interest earnings are the U.W. Self-Insurance Revolving Fund and the American Indian Scholarship Endowment Fund.

A new method for funding administrative expenses is to be established by the state treasurer. The treasurer's office is to determine the percentage of total interest earnings needed to fund its biennial budget appropriation. This percentage is to be deducted from the interest earnings of each fund or account, including funds and accounts exempted from the change de-

scribed above, and deposited in the State Treasurer's Service Fund to be used for administrative expenses. The percentage may not exceed 1.0 percent of the average daily cash balance of any account or fund. Transportation accounts are exempt from this service charge.

Votes on Final Passage:

House	50	44	
Senate	25	23	(Senate amended)
First Special Session			
House	76	13	
Senate	25	21	

Effective: July 1, 1991 (Sections 1-47, 49-64, 66-108 and 110-122; and subsection (1) Section 141)
September 1, 1991 (Sections 48 and 109)
January 1, 1992 (Section 65)
July 1, 1993 (Sections 123-139)

Partial Veto Summary: The governor vetoed language limiting the changes made to the disposition of interest income to the 1991-93 biennium. (See VETO MESSAGE)

SHB 1059

C 112 L 91

Revising the list of personal property exempt from enforcement of judgments.

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Ludwig and Orr).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Certain property owned by a debtor is exempt by statute from the remedies creditors normally have in enforcing judgments. Various kinds of personal property are exempt up to specified values. It has been several years since many of these dollar values have been adjusted.

Summary: General increases are made in the value of personal property that is exempt from judgment. Changes include the following:

1. The maximum exemption for certain wearing apparel, consisting of furs and jewelry, is raised from $750 to $1,000.

2. The maximum exemption for private libraries is raised from $1,000 to $1,500.

3. The maximum exemption for household goods is raised from $1,500 to $2,700, and a separate exemption of unspecified value for three months' worth of provisions and fuel for "comfortable maintenance" is removed.

4. The maximum exemption for "other" personal property, excluding wages or salary, is raised from $500 to $1,000. An existing $100 subcategory of "other" property is expanded to two $100 subcategories, one for cash and one for bank accounts, stocks, and bonds.

5. The maximum exemption for motor vehicles is changed from $1,200 for one car only, to $2,500 in aggregate for up to two cars.

6. The maximum exemptions for farm equipment, professional equipment, and tools of a trade are each raised from $3,000 to $5,000.

Votes on Final Passage:

House	93	2
Senate	43	0

Effective: July 28, 1991

HB 1060

C 5 L 91

Requiring the notice to the creditors of a deceased person to be filed with the clerk of the court.

By Representatives Ludwig, Padden, R. Meyers, Orr, Winsley and Sheldon.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The state's probate code prescribes the duties and powers of the personal representative of a deceased person in handling the decedent's estate. One of the duties of a personal representative is to notify creditors of the estate on how to file a claim against the estate. Before 1989, the law allowed a personal representative to notify creditors of an estate through publication in legal newspapers. A U.S. Supreme Court decision invalidated this law by holding that the Due Process clause of the U.S. Constitution requires in person, or at least mail, notification of "known or reasonably ascertainable" creditors.

House Bill 1173 was enacted in 1989 and requires a personal representative to exercise "reasonable diligence" in discovering creditors of the estate. The 1989 law also requires the personal representative to notify creditors of the estate in person or by mail.

The pre-1989 state statute contained an explicit requirement that a creditor who makes a claim against an estate must file that claim with the court in addition to serving the claim on the personal representative. The 1989 amendment removed this explicit statement regarding court filing. While the requirement remains implicit when the several sections of the law related to this subject are read together, there has been some con-

cern among practitioners of probate law that the current statute is ambiguous.

Summary: An explicit provision is returned to the probate code requiring that creditors of an estate must file their claims with the court.

Votes on Final Passage:
House 87 0
Senate 48 0

Effective: April 8, 1991

SHB 1062
C 6 L 91

Broadening the power of fiduciaries to divide trusts.

By House Committee on Judiciary (originally sponsored by Representatives Ludwig, Padden, R. Meyers and Orr).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The state's laws on trusts and estates have been periodically amended to comply with, or to take advantage of, changes in the federal tax code.

In most instances under federal tax law when one spouse dies, property transferred to the surviving spouse is exempt from taxation as a result of the federal estate tax "marital deduction" for surviving spouses. In 1988, however, Congress abolished the estate tax marital deduction when the surviving spouse is not a U.S. citizen, unless the property given to the spouse has been placed in a "qualified domestic trust" ("QDOT"). In 1990, the state Legislature enacted a law which allows the personal representative of an estate to take advantage of the QDOT provision in the federal law.

State law also provides that unless a trust instrument itself prohibits it, a fiduciary may benefit personally from certain of his or her own actions regarding the trust. These actions include electing to come under the QDOT provision, or under another provision of the federal tax law that allows a marital deduction for "qualified terminable interest property" ("QTIP"). The state law also provides that when a fiduciary is not otherwise restricted by the trust instrument, and makes a QDOT or QTIP election, he or she may divide a trust into separate trusts. However, a division may not be made if the division would result in a trust being disqualified from marital deduction eligibility.

The federal tax code has special provisions that impose a tax on the recipient of a distribution from a trust when the distribution is a "generation-skipping transfer" ("GST"). Every person is allowed a GST exemption of $1,000,000 which he or she may allocate to any property that he or she has the authority to transfer.

Summary: Allocations of property made under the GST provisions of the federal tax code are treated similarly to distributions made under the QTIP and QDOT provisions. That is, unless the trust instrument itself provides otherwise, the fiduciary of a trust may benefit personally from a GST allocation of trust property and may divide a trust into two or more separate trusts.

Votes on Final Passage:
House 93 0
Senate 48 0

Effective: July 28, 1991

HB 1063
C 7 L 91

Revising provisions on disposition of disclaimed interest.

By Representatives Ludwig, Padden, R. Meyers and Orr.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: For various reasons, including unwanted tax consequences, a person may choose not to accept a gift. Since 1973, Washington has had a disclaimer of interest statute that provides a formal method for the rejection of an interest. The disclaimer of interest statute applies to transfers of interest both during the lifetime of the transferring party and upon the death of the transferring party.

A person ("testator") may direct in his or her will that property is to go to one of his or her relatives without indicating in the will what is to happen to the property if the relative is no longer alive when the testator dies. An "anti-lapse" statute provides that in the case of such a will, if the relative in fact dies before the testator, the property is to go to the relative's lineal descendants. This anti-lapse rule means, for instance, that a grandchild whose parent has died will receive property that the grandparent had willed to the parent.

The disclaimer of interest statute, however, contains a provision that makes the anti-lapse statute inapplicable in the case of disclaimed interests. This negation of the anti-lapse rule means that a grandchild whose parent has disclaimed an interest will not receive property that the grandparent's will had intended to give to the parent.

Summary: The anti-lapse statute is made applicable to property subject to a disclaimer of interest unless the will itself directs otherwise. If a testator's relative dis-

claims an interest under a will, the relative is considered to have died for purposes of the anti-lapse statute. The children of the disclaiming relative will receive the property in such a case.

A correction is made to a statutory cross-reference.

Votes on Final Passage:
House 98 0
Senate 48 0

Effective: July 28, 1991

EHB 1071
C 106 L 91

Changing provisions relating to the appointment of precinct election officers.

By Representatives Anderson, McLean, R. Fisher, Moyer, Dorn, Chandler, Sheldon, Bowman, Winsley, Broback, Edmondson, Paris, Holland, D. Sommers, May, Wynne, Brumsickle, Nealey, Miller, P. Johnson, Casada, Wood, Forner and Mitchell.

House Committee on State Government
Senate Committee on Governmental Operations

Background: The Election Code requires the chair of each county central committee to submit to the county auditor a list of persons qualified to act as polling place officials on a precinct's election board. The list must be submitted at least 60 days before a primary or election. The auditor must appoint the officials from the names of persons on these lists.

Summary: Lists of persons qualified to serve as polling place officials must be submitted by the chairs of the county central committees to the county auditor by June 1st of each year. The auditor may delete the names of persons from these lists called nomination lists if the persons: indicate to the auditor that they cannot or do not wish to serve as such officials or cannot otherwise so serve; or lack the ability to conduct properly the duties of such an election officer after training has been made available to them by the auditor. If the number of names on the list of a political party is not sufficient to supply the number of election officials needed from that party, the auditor must provide a deficiency notice to the chair of the county central committee of that party. The chair has five days after notification to add names to the list. Afterward, if the lists from the political parties are still not sufficient to supply the number of election officers needed, the auditor may appoint a properly trained person not on the lists.

Provisions allocating positions on a three-member election board between political parties apply only if the number of names on the parties' nomination lists for these positions is sufficient to satisfy the allocation requirement.

Votes on Final Passage:
House 96 0
Senate 45 0

Effective: July 28, 1991

HB 1072
C 81 L 91

Changing provisions relating to elections.

By Representatives McLean, Anderson, R. Fisher, Moyer, Sheldon, Chandler, Bowman, Pruitt, Winsley, Broback, Edmondson, Paris, D. Sommers, May, Wynne, Brumsickle, Nealey, Miller, P. Johnson, Casada, Wood, Forner and Mitchell.

House Committee on State Government
Senate Committee on Governmental Operations

Background: Crimes: The crimes and penalties chapter of the Election Code prohibits certain activities regarding a primary or election and prescribe penalties for violations. Some of these provisions are not consistent with the penalty and classification system contained in the state's Criminal Code. Some are largely duplications of criminal code provisions. Some prohibitions apply during primaries, but not during elections. Others apply only in paper ballot precincts, only in precincts using voting machines, or only in certain forms of cities.

Voter registration: A person who changes his or her name must register anew. A person desiring to transfer his or her voter registration within a county must submit a signed registration transfer form. State law permits a person to transfer his or her voter registration on the day of a primary or election by filing out a voter transfer form and voting in the precinct in which the person was previously registered or by indicating the new address in the poll book at the precinct.

Absentee ballots: A person desiring to vote by absentee ballot must submit to the county auditor a signed request form. The auditor must compare the signature on the request with the signature on the voter's registration form. When the voted ballot is returned, the auditor must also compare the signature of the voter on the outer envelope with the signature on the voter's registrations form.

Recounts: The Election Code permits certain persons to request that the votes cast in a primary or election be recounted. The code also requires that the votes be recounted if the official canvass of the returns for an office reveal that the difference in the number of votes

cast for the top two candidates for the office is not more than 0.5 percent.

Other: State law prohibits exit polling in a polling place or in any public area within 300 feet of the entrance to a polling place. The federal courts have found this prohibition to be unconstitutional.

Summary: Election crimes: The crimes and penalties chapter of the Election Code is rewritten and made consistent with the state's Criminal Code. Prohibitions which applied only during primaries, only during general elections, or only to the use of certain types of voting equipment now apply to all primaries and elections and to all voting equipment. The descriptions of many of the unlawful activities under the Election Code are made somewhat more general in nature.

The following are now classified as being gross misdemeanors rather than, as under current law, misdemeanors: removing a ballot from a polling place without lawful authority; printing official ballots except as prescribed; a printer's misappropriating ballots or delivering them to persons other than the appropriate election officer; influencing a person in refusing to vote through menace or unlawful means; soliciting or demanding a reward in exchange for voting in a particular way; deceiving a voter in recording his or her vote or recording the vote in a manner other than as designated by the voter; divulging the results of a ballot count before the closing of the polls; revealing to another information unlawfully obtained regarding how a person voted; changing the results of a ballot count officially posted or to be delivered to an election officer; and conducting unlawful activities at a polling place, such as electioneering or causing disruptions.

The following are no longer crimes under the Election Code: making a false assertion or propagating a false report regarding a candidate; electioneering for hire in a commission form of city; forging a name on a nominating paper; and committing perjury at a primary. Forgery and perjury remain crimes under the Criminal Code.

Registration files: The secretary of state and county auditors are permitted to use automated files of voter registration information in lieu of the original voter registration cards if the automated file includes all of the information from the cards including retrievable facsimiles of the voters signatures. Only the following information from those files is available for public inspection and copying: the voter's name, gender, voting record, date or registration, and registration number. A voter's address and political jurisdiction are also available unless access to this information for that voter is prohibited by law. All county auditors must maintain automated files of voter registration information.

Registrations & transfers of registrations: A person who changes his or her name no longer needs to register anew. The person must complete a change-of-name form, prescribed by the secretary of state. A person who completes a change-of-name form at a polling place must also sign the poll book using the new and former names. Registrations may be transferred within a county by telephone before the precinct registration lists are closed for a primary or election.

The county auditor may permit the use of one or both of the procedures currently authorized by law for transferring a voter's registration on election day.

The manner in which registration cancellation records must be maintained is no longer specified by law; the secretary of state must adopt rules regarding maintaining such records.

Absentee ballot requests: A request for an absentee ballot need no longer be submitted in written form, signed by the voter requesting the ballot. A request may be submitted orally in person, by telephone, or in writing. A person may request his or her own absentee ballot and may request an absentee ballot on behalf of any member of that person's immediate family who is a registered voter. The secretary must adopt rules prescribing the circumstances under which a county auditor may require a requester to identify the date of birth of the voter for whom the ballot is requested and may deny a request which is not accompanied by this information.

Recounts: The dates by which a recount must be conducted are clarified. A canvassing board must conduct the recount within five days of: the date an application for a recount is filed with the board; the date the request for the recount or the directive issued by the secretary of state ordering a mandatory recount is received by the board; or the date the returns are certified which indicate that a mandatory recount is required.

Other: The prohibition on exit polling, found to be unconstitutional, is repealed. The form which must be used by an auditor in attesting to the cancellation of voters' registrations is also repealed.

Votes on Final Passage:

House	96	0
Senate	43	0

Effective: July 1, 1992

ESHB 1081

C 214 L 91

Implementing a bicycle safety program.

By House Committee on Transportation (originally sponsored by Representatives Morris, R. Fisher, Braddock, Winsley, Moyer, Paris, Day, G. Fisher, Prentice, H. Sommers, Cooper, R. Johnson, Rust, Dellwo, Pruitt, Phillips, Sprenkle, Riley, Wineberry, Basich, Jacobsen, Leonard, Roland, Bowman, Brekke, Orr, Appelwick and Anderson).

House Committee on Transportation
Senate Committee on Transportation

Background: While bicycling is increasing in popularity as an alternative mode of transportation, there is a lack of coordination between state agencies and state and local jurisdictions on bicycle programs.

The Washington State Patrol's safety education section teaches bicycle safety as part of its safety education program.

The Department of Transportation (DOT) dedicates three-tenths of 1 percent of all new construction project dollars to fund bicycle paths and wider roadway shoulders. The DOT also provides staff support for the Washington State Bicycle Advisory Committee.

Summary: A bicycle awareness program is created within the Washington State Patrol (WSP).

Bicycles are defined as vehicles, except for the provisions that relate to titling, registration and the selling of vehicles.

The Department of Transportation (DOT) is directed to adopt minimum pavement marking standards for the right edge of arterials in urbanized areas. These standards will be phased in over time and will allow local jurisdictions to deviate from the standard under special circumstances.

A bicycle transportation management program is established within the Department of Transportation. The program manager will be responsible for designing programs that encourage bicycling as a mode of transportation. In addition, the program manager will coordinate bicycle activities in all state agencies and serve as a clearinghouse for bicycle program information and resources.

Votes on Final Passage:

House	76	22	
Senate	42	1	(Senate amended)
House	72	24	(House concurred)

Effective: July 28, 1991

SHB 1082

C 79 L 91

Allowing nondisclosure of trade information by the health care authority and state employees benefits board.

By House Committee on Health Care (originally sponsored by Representatives Braddock, Moyer, Sprenkle and Orr).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: The Health Care Authority (HCA) administers the public employees benefit program. It currently maintains contracts with eight medical health maintenance organizations, one dental prepaid plan, four uniform medical plan vendors and one uniform dental plan vendor. Each carrier or vendor contracting with the HCA must present reports on benefit utilization and cost data, some of which are considered proprietary by the vendor or contractor. The State Employees Benefits Board (SEBB), which advises the HCA, also has occasion to review sensitive cost data. Inappropriate release of this information might adversely affect the competitiveness of the provider.

Summary: The HCA may exempt benefit utilization and cost data from public disclosure and the SEBB may hold executive sessions when it must review and discuss such data.

Votes on Final Passage:

House	91	0
Senate	46	0

Effective: July 28, 1991

ESHB 1088

C 193 L 91

Adopting the uniform transfers to minors act.

By House Committee on Judiciary (originally sponsored by Representatives Appelwick and Paris).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Introduction: The State adopted the Uniform Gifts to Minors Act in 1959 upon the recommendation of the National Conference of Commissioners on Uniform State Laws. The conference has drafted recommended changes to the act.

The state's statutory scheme for making a gift to a minor has remained essentially the same since 1959: Property is transferred to a custodian who controls and manages the property for the minor until the minor

reaches the age of majority. Once made, the gift is irrevocable and the minor has legal title to the property. The act defines a minor as someone who is younger than 21 years of age.

Custodial property: The law covers gifts of tangible or intangible personal property interests, including money, securities, life insurance policies and annuity contracts, and gifts of real property interests.

Transfers of custodial property: Generally, property is transferred by placing the property in the name of another person as custodian for the minor. A will or trust agreement may name a custodian to whom the legal representative transfers property of the estate or trust on the occurrence of a future event. If no provision for a custodianship is made in the will or trust agreement, the legal representative may petition the court to appoint a custodian.

Powers and duties of the custodian: Although a custodian does not have legal title to the property, he or she has all the rights and duties of a trustee. A custodian may collect, hold, manage, invest or reinvest, convey, repair, or divide custodial property. The custodian may invest custodial property as long as the same investment would be made by a reasonably prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital. If custodial property involves a partnership interest, the custodian participates in partnership decisions for the minor; if custodial property involves securities, the custodian may vote the minor's shares.

The custodian must use custodial property for the support, maintenance, education, and benefit of the minor as the custodian deems advisable. The custodian must keep a record of every transaction concerning custodial property and make it available to the minor or the minor's legal representative upon request.

Liability: The custodian is a fiduciary and subject to the reasonably prudent person standard. A custodian who is not compensated is personally liable only for losses resulting from the custodian's bad faith, intentional wrongdoing, gross negligence, or failure to follow the prudent investment standard. Third parties such as a transfer agent, bank, life insurance company, or other person acting on behalf of the custodian have no duty to determine the validity of the custodian's appointment or instructions.

Summary: Title: The name of the act is changed to the "Uniform Transfers to Minors Act."

Custodial property: The act governs gifts to minors of any real or tangible or intangible personal property. Also explicitly included are equity interests, life or endowment insurance policies, irrevocable powers of appointment, and future payment rights. Legal and equitable property interests vest in the minor but control and management of the property rests solely with the custodian. The minor's and the custodian's rights and duties are limited to those delineated. Custodial property is to be used for the use and benefit of the minor.

Transfers of custodial property: An obligor of a minor, or a legal representative of a decedent's estate or legal representative of a trust without express authority in the will or trust agreement, may create a custodianship for a minor who has no legal guardian. If the property is worth more than $30,000, the legal representative must obtain a court order. Future payment rights, e.g., royalties, interest or principal on a promissory note, or benefits from an insurance contract, may be assigned to the custodian as custodian for a minor.

A personal representative or trustee may appoint himself or herself as custodian if he or she qualifies to be a custodian under the particular type of property transferred. A family member may request the court to establish a custodianship despite the value of the transfer.

Powers and duties of the custodian: A custodian may deal with custodial property as an unmarried adult would deal with his or her property and has all the rights and duties of a trustee as long as the custodian is acting as a custodian.

Liability: A custodian is held to the same standard as a trustee. The standard liability of a custodian who serves without compensation is unchanged.

The custodian and minor are liable for obligations arising from the custodial property only to the extent of the custodial property whether or not either is personally liable. The custodian or minor is not personally liable for torts or obligations arising from the custodial property unless the custodian or minor is personally at fault.

Court procedure: If court action is requested or required under the bill, requirements of jurisdiction, notice to parties, and other procedural requirements are determined under the law governing jurisdiction and procedure of probate, trust, and guardianship matters.

Miscellaneous: A statute allowing distribution of a minor's estate to a member of the minor's family, if the value of the estate is less than $5,000, is repealed. The establishment of a custodianship is added to the choices a personal representative has in making a distribution to a minor under court supervision.

Votes on Final Passage:

House	98	0
Senate	44	0

Effective: July 1, 1991

HB 1091

C 153 L 91

Establishing the Uniform Foreign-money Claims Act.

By Representative Appelwick.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: International business dealings, or other transactions, may result in obligations owed in a foreign currency. Foreign exchange rates can be volatile. A claim's value may change substantially based on when it is fixed in which currency. Washington has no statutory provision controlling foreign-money claims.

The Uniform Law Commission has proposed a statute to prescribe rules for dealing with foreign-money claims.

Summary: The Uniform Foreign-money Claims Act is adopted. The act prescribes detailed rules for the payment of foreign-money claims.

The act applies only to the extent that the parties have not otherwise agreed to a method for handling a foreign-money claim. The parties are free to enter into their own such agreement before or after beginning an action otherwise covered by the act.

The act applies to "actions" or "distribution proceedings" involving a foreign-money claim. "Actions" are judicial proceedings or arbitrations in which a payment in money may be awarded or enforced with respect to a foreign-money claim. "Distribution proceedings" include judicial or nonjudicial proceedings such as accountings, assignments for the benefit of creditors, foreclosures, liquidations, and distributions of estates, trusts, or other funds.

If the parties to a transaction have not agreed to some other rule, the currency to be used to satisfy a foreign-money claim is:

1. The currency regularly used between the parties as a matter of usage or course of dealing; or

2. The currency regularly used in international trade for transactions involving the same commodity or service; or

3. The currency in which the loss is or will be felt by the party asserting the claim.

The act generally relies on "spot-rate" currency exchanges to fix the rate of exchange as of the "conversion date." A "spot-rate" is the rate at which a foreign currency dealer will sell foreign money either for payment within two days, or for immediate charge to an account. The "conversion date" is the banking day just before the day of payment of a claim.

The determination of the proper currency for a foreign-money claim is a question of law to be decided by the court rather than by a jury. A sample form of judgment is provided which sets forth the manner in which payment of a foreign-money claim is to be ordered.

A judgment on a foreign-money claim is payable in the appropriate foreign currency or, at the option of the debtor, in United States dollars in the amount sufficient to purchase the foreign currency on the conversion date at the spot rate.

Claims, counterclaims, and setoffs in a single action may each be made in a different currency. Assessed costs, however, are to be entered in United States dollars. The act does not effect the law relating to determination of interest rates on judgments.

Votes on Final Passage:

House	95	0
Senate	40	0

Effective: January 1, 1992

HB 1095

C 21 L 91 E1

Adding a new Article regarding funds transfers to the Uniform Commercial Code.

By Representatives Appelwick, Dellwo and Paris.

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: In part, the state Uniform Commercial Code (UCC) governs bank deposits and collections. In addition, the federal Electronic Fund Transfer Act covers some aspects of consumer electronic banking. When the UCC was originally drafted and recommended for adoption by each of the 50 states, financial institutions did not rely extensively upon sophisticated computer and telecommunication networks to transfer funds between financial institutions. As a result of technological changes in the conduct of financial institution business, such electronic transactions among financial institutions now involve funds totalling over $1 trillion each day. Existing statutes and regulations do not adequately address the rights and responsibilities of parties to fund transfers and particularly parties to wire transfers.

Last year, the National Conference of Commissioners on Uniform State Laws and the American Law Institute approved a new article of the UCC and recommended its adoption by each of the 50 states. The new Article 4A would govern the rights and responsibilities of banks and their customers in electronic payments. To date, the new Article 4A has been adopted by at least 11 states.

Summary: The new Article 4A, entitled Funds Transfers, is added to the state Uniform Commercial Code. The new article governs the rights and responsibilities

of parties to a funds transfer executed by or through financial institutions. Provisions in the new article include standards for issue and acceptance of payment orders, execution of payment orders, and the enforceability of payment orders. The new article addresses the liabilities of the financial institutions involved in such transactions.

Federal Reserve Board regulations supersede the new article when such regulations are inconsistent with the article, and the federal Electronic Fund Transfer Act supersedes the new article for funds transfers governed in any part by the federal act.

Banks must develop and follow commercially reasonable security procedures for detecting errors or unauthorized payment orders. Rules are established governing liability for and refunds of unauthorized or improper payments.

Standards are established for the acceptance, rejection, cancellation, and amendment of funds transfer payment orders.

The rights and responsibilities of parties to a funds transfer may differ from the new article as agreed by the parties. Rules of an association of banks governing transmission of payment orders may be effective even if such rules differ from the new article or affect a party who has not consented to the association's rules.

Votes on Final Passage:

House	95	0	
First Special Session			
House	93	0	
Senate	46	0	(Senate amended)
House	94	0	(House concurred)

Effective: September 28, 1991

EHB 1096

C 154 L 91

Increasing the fine for failing to install smoke detectors.

By Representatives Winsley, Nelson, Ballard, Wineberry, Mitchell, Franklin, Leonard, Ogden, Riley, Roland, Jones and Sheldon.

House Committee on Housing
Senate Committee on Commerce & Labor

Background: The State Fire Protection Law requires owners to install smoke detection devices inside all dwelling units that are occupied by persons other than the owner on and after December 31, 1981, or built or manufactured in Washington after December 31, 1980. Tenants are responsible for the maintenance of the smoke detection devices in the dwelling unit. Failure of the owner or the tenant to comply with these provisions will result in a fine of not more than $50.

The State Residential Landlord-Tenant Law requires the landlord to comply with city, county or state regulations. This includes installing smoke detection devices and ensuring that they operate properly when a tenant moves into the dwelling unit.

Summary: The State Fire Protection Law is amended to include the battery replacement where required for proper operation of the smoke detection device as part of the tenant's responsibility for maintaining the smoke detection device. The fine for the owner's failure to install or the tenant's failure to maintain the smoke detection device is increased from not more than $50 to not more than $200.

The State Landlord-Tenant Law is amended to require landlords to provide a written notice to the tenant stating that the dwelling is equipped with a smoke detection device. The notice must inform the tenant of: 1) his or her responsibility to maintain the smoke detection device in proper operating condition; and 2) the fine for failure to comply with the law. The notice must be signed by the landlord or the landlord's authorized agent and tenant with copies provided to both parties.

Under the State Landlord-Tenant Law, tenants are required to maintain the dwelling's smoke detection device in accordance with the manufacturer's recommendations, including the replacement of batteries where required for proper operation.

Votes on Final Passage:

House	92	0
Senate	48	0

Effective: July 28, 1991

ESHB 1105

C 123 L 91

Exempting property in this state from execution in favor of another state.

By House Committee on Revenue (originally sponsored by Representatives Jones, Betrozoff, Kremen, Dellwo, Hargrove, Inslee, Miller, Fraser, Haugen, Wilson, Winsley, Ferguson, Riley, Broback, Edmondson, D. Sommers, May, Wynne, Chandler, Brumsickle and Orr).

House Committee on Revenue
Senate Committee on Governmental Operations

Background: Many people who have retired to Washington from other states with income taxes have discovered that they owe tax on their retirement income to their state of former residence. This occurs when the

income tax state asserts its right to tax income "sourced" in that state. These states claim that the retirement income earned as a result of employment in their state is income "sourced" in their state.

If a Washington resident fails to pay the "source" tax, then the income tax state takes the tax assessment to a court within that state and obtains a judgment against the individual. The courts of Washington are required to recognize and enforce the liability for taxes lawfully imposed by other states.

Washington allows a homestead exemption for property owned and used by a person as their principal home. Up to $30,000 worth of a homestead is exempt from forced sale to satisfy court judgements.

Summary: The property of a Washington resident is exempt from execution, garnishment, or seizure when the judgment is for failure to pay state income tax on retirement benefits received while a resident of Washington. The homestead exemption for judgements is expanded to an unlimited amount when the judgement is for failure to pay income tax on pension income. The property continues to be exempt when left to the surviving spouse and dependents.

Votes on Final Passage:

House	84	14	
Senate	43	3	(Senate amended)
House	82	14	(House concurred)

Effective: July 28, 1991

SHB 1112

C 107 L 91

Providing for environmental interpretation in state parks.

By House Committee on Natural Resources & Parks. (Originally sponsored by Representatives Ferguson, Belcher, Brumsickle, R. King, Rasmussen and Miller.)

House Committee on Natural Resources & Parks
Senate Committee on Environment & Natural Resources

Background: Existing legislation authorizes management of state park lands to: (1) maintain and enhance ecological, aesthetic, and recreational purposes; (2) preserve and maintain mature and old growth forests which may also be used for interpretive purposes; (3) protect cultural and historic resources, locations and artifacts which may be used for interpretive purposes; (4) provide recreational opportunities to the public; (5) preserve and maintain habitat; and (6) encourage public participation in the formation and implementation of park policies and programs.

Public comments from around the state are encouraging the State Parks and Recreation Commission to increase its environmental interpretive program. During the Department of Ecology's 2010 public meetings, the department received numerous comments regarding the need for environmental education to curb increasing pollution in our state. The Department of Ecology's final report on the 2010 process includes an entire chapter on environmental education. One recommendation is for public-private partnerships which promote environmental education for targeted segments of the public.

The 1991 Puget Sound Water Quality Authority Plan recommends that the State Parks and Recreation Commission create environmental interpretation programs related to Puget Sound's water quality. The report finds that these programs are necessary components of long-term management and pollution prevention strategies for Puget Sound.

Both studies encourage increased use of state parks facilities for environmental interpretation. State park visitors are viewed as a clearly defined audience who could gain a better understanding and appreciation of Washington's environment through enhanced park interpretive programs.

Summary: The State Parks and Recreation Commission may provide environmental interpretation activities to visitors. Those activities may: (1) explain ecosystems; (2) explain the relationship between human behaviors and the environment; and (3) offer information to increase citizen appreciation and stewardship of the environment.

The commission may consult with, solicit assistance from and enter into agreements with private and public entities who are interested in conserving and interpreting Washington's environment. The commission will not permit commercial advertising in state parks as a condition of an environmental interpretation contractual agreement. The commission will keep an accounting of all monetary gifts received in support of environmental interpretation.

Votes on Final Passage:

House	96	0	
Senate	46	1	(Senate amended)
House	96	0	(House concurred)

Effective: July 28, 1991

HB 1115

C 3 L 91

Revising references that are incorrect as a result of the creation of the department of health under chapter 9, Laws of 1989 1st ex.s.

By Representatives Appelwick, Padden, Dellwo and Paris; by request of Statute Law Committee.

House Committee on Health Care

Background: The Legislature created the Department of Health in 1989. Many of the department's responsibilities were transferred from other agencies, such as the Department of Social and Health Services, the Department of Licensing, the Hospital Commission, the State Health Coordinating Council, and the Board of Pharmacy.

References to these agencies in the transferred statutes number in the thousands. The proper statutory transfer of all these functions would require legislation of over 600 pages. Instead, these functions were initially transferred by reference for proper amendment of each transferred section of RCW at a subsequent date.

Summary: Over a thousand technical and clarifying statutory changes are made changing the names of agencies and administrators of transferred functions to "Department of Health" and "Secretary of Health" and correcting gender references.

Votes on Final Passage:

House	97	0
Senate	43	0

Effective: July 28, 1991

EHB 1118

C 113 L 91

Adjusting length restrictions on buses.

By Representatives R. Fisher, R. Meyers, Schmidt and Prince.

House Committee on Transportation
Senate Committee on Transportation

Background: Single unit vehicles, including auto stages (for-hire buses) and school buses, may not exceed 40 feet in length. Municipal transit vehicles are exempt from this restriction.

Some motorcoach companies are now purchasing and operating articulated buses which exceed the 40-foot restriction. The states of California, Oregon and Nevada and all the Canadian provinces allow the operation of articulated auto stages up to an overall length of 60 feet.

Summary: The bill allows the operation of an articulated auto stage with a maximum overall length of 61 feet on Washington highways.

Language authorizes the DOT or a local legislative authority to restrict the routing of an auto stage or school bus.

Votes on Final Passage:

House	93	0
Senate	44	3

Effective: July 28, 1991

ESHB 1120

C 270 L 91

Modifying disbursement of daily gross receipts in horse racing.

By House Committee on Revenue (originally sponsored by Representatives Roland, Forner, Leonard, Holland, Scott, Valle, Day, O'Brien, Prince, Bowman, R. Meyers, Tate, H. Myers, Hine, Fuhrman, Rayburn, Prentice, Jacobsen, R. King, Chandler, Wilson, Inslee, Wood, Rasmussen, Cooper, R. Johnson, Vance, Sheldon, Morris, Appelwick, Brumsickle, Hochstatter, Van Luven, Paris, Haugen, Kremen, Zellinsky, Edmondson, Brough, Phillips, Lisk, Betrozoff, Wynne, Nealey, Miller, Fraser, Wineberry, Sprenkle, Orr, McLean and Anderson).

House Committee on Commerce & Labor
House Committee on Revenue
Senate Committee on Commerce & Labor
Senate Committee on Ways & Means

Background: Operators of horse racing events are licensed by the Horse Racing Commission. The "pari-mutuel tax" is a set percentage of the gross receipts of all pari-mutuel machines at each horse racing event in the state. Gross receipts are also referred to as the "handle." The tax is levied in lieu of other business taxes and is deducted from the licensee's "take out." The "take out" is a track's gross receipts from pari-mutuel machines less returns to bettors. Under current law, the take out for win/place/show wagers is 16 percent.

The Pari-mutuel tax: The pari-mutuel tax is administered by the Horse Racing Commission. The following rates apply to win/place/show wagers: on an average daily handle of up to $200,000, the tax rate is 0.5 percent (the licensee retains 14.5 percent); on an average daily handle of $200,001-$400,000, the tax rate is 1.0 percent (the licensee retains 14.0 percent); on an average daily handle of more than $400,000, the tax rate is 4.0 percent (the licensee retains 11.0 percent).

The rates are slightly different for satellite locations: on an average daily handle of up to $400,000, the tax

rate is 0.5 percent (the licensee retains 14.5 percent); on an average daily handle of more than $400,000 the tax rate is 3.0 percent (the licensee retains 12.0 percent).

License fees: If a track received over $50 million in gross receits from pari-mutuel machines in the preceding year, the fee to be paid in advance of the next year is $500 per racing day. If the track received $50 million or less, the license fee is $200 per racing day. Newly authorized race meets must pay $200 per racing day for the first year.

Distribution of revenues: Revenues from both the pari-mutuel tax and license fees are distributed as follows:

Horse Racing Commission	22 percent
State General Fund	40 percent
Trade Fair Fund	3 percent
Fair Fund (agricultural)	35 percent

Washington-bred owner award funds: In addition to other taxes and fees, each licensee must pay 1 percent of its handle to the commission for Washington-bred owner awards.

Exotic races: An "exotic wager" is any multiple horse wager. The take out for exotic wagers is higher than the take out for win/place/show wagers. For two selection wagers (daily doubles and exactas) the take out is the standard take out plus an additional 5.5 percent. From this additional portion of the handle, the racing association retains 3 percent (4.5 percent on satellite wagers) and the commission receives 2.5 percent (1 percent on satellite wagers).

For three or more selection wagers (trifectas and pick-threes) the take out is the standard take out plus an additional 9.5 percent. Of the additional funds, the racing association retains 6 percent (8.5 percent on satellite wagers) and the commission receives 3.5 percent (1 percent on satellite wagers). The commission retains 31 percent of the additional amount it receives from exotic wagers and forwards the remainder to the state general fund.

From the licensee's portion of the additional funds, 1 percent is dedicated to Washington-bred breeder awards (not to exceed 20 percent of the winner's share of the purse). The remainder is shared equally between the licensee and the participating horsemen.

Satellite locations: A licensee may conduct pari-mutuel wagering at a satellite location with commission approval. The commission may approve only one satellite location per county, and that location cannot be within 50 air miles of the licensee's racing facility.

The commission may allow a licensee to conduct satellite pari-mutuel wagering at a satellite location within 50 air miles of another licensee that conducts race meets of 30 days or more, but, only if the licensee conducting satellite wagering has race meets of at least 30 days and suspends its program during the conduct of race meets of all licensees within 50 air miles.

The authority to conduct pari-mutuel wagering at satellite locations expires on June 30, 1992.

Ex officio members: The Horse Racing Commission consists of seven members. In addition to the three voting members of the commission appointed by the governor, there are four ex officio nonvoting members, two members of the Senate and two members of the House of Representatives. The section of the code providing for the ex officio members expires on October 31, 1991.

Summary: Amendments are made to provisions in the horse racing code relating to: the pari-mutuel tax; the distribution of revenues; wagers on exotic races; satellite locations; and ex officio members of the Horse Racing Commission.

The pari-mutuel tax: The tax rates are made the same for racing facilities and satellite locations. The following rates apply to win/place/show wagers: on an average daily handle of up to $250,000, including receipts from satellites, the tax rate is 1.0 percent (the licensee retains 14.0 percent); on an average daily handle of more than $250,000, including receipts from satellites, the tax rate is 2.5 percent (the licensee retains 12.5 percent).

Distribution of revenues: Revenues from both the pari-mutuel tax on win/place/show wagers and license fees are distributed as follows:

Horse Racing Commission	50 percent
State General Fund	1 percent
Trade Fair Fund	3 percent
Fair Fund (agricultural)	46 percent

Additional take out for nonprofit race meets: One-tenth of 1 percent of the daily gross receipts of all pari-mutuel machines is to be disbursed to nonprofit race meets on a pro rata, per-race-day basis and only to race tracks that have been in operation for at least five years. This percentage is not to be charged against the licensees. The annual amount disbursed to all race tracks may not exceed $150,000. Funds in excess of the $150,000 are to be deposited in the general fund.

The Washington Thoroughbred Racing Fund: Licensees who are nonprofit corporations and have race meets of 30 days or more must pay to the commission an additional 2.5 percent of their daily gross receipts. This percentage is roughly equal to the amount of the reduction of the pari-mutuel tax for tracks with an average daily handle of more than $250,000. The commission is to deposit these additional funds into the Washington Thoroughbred Racing Fund which is created in the state treasury. The money in the fund may be spent only after legislative appropriation. Expenditures from the fund are to be used to benefit and sup-

port interim continuation of thoroughbred racing, capital construction of a new race track facility, and programs enhancing the general welfare, safety, and advancement of the Washington thoroughbred industry.

Washington-bred owner award funds: Fifty percent of the funds received by the commission from a new licensee for Washington-bred owner awards may be used for a period of five years to reimburse the new licensee for the capital construction costs of building a new race track.

Money refunded to the new licensee for capital costs may not be distributed until the end of the calendar year and does not include interest. The interest accrued on this money is disbursed to nonprofit tracks for the upkeep of tracks and training areas.

Exotic races: For all exotic races, the take out includes an additional 6 percent of the handle. The licensee retains 5 percent, and 1 percent is dedicated to Washington-bred breeder awards. Of that 1 percent, one-fourth is to be retained by a new licensee for reimbursement of capital construction costs for five years.

Satellite locations: A licensee may not conduct satellite betting within 20 ground miles of the licensee's racing facility. "Ground miles" means miles measured from point to point in a straight line.

The commission may allow a licensee that is conducting a live race meet to satellite within 50 ground miles of another licensee that is conducting a live race meet if the other track's race meet is 30 days or more and if the licensee conducting the satellite wagering suspends its program during the conduct of the meets of all licensee's within 50 ground miles. When a licensee is using another race track as a satellite facility, with the race track owner's permission, that licensee is allowed to use the other race track's satellite facilities, even if they are within a 50 ground mile radius.

The June 30, 1992 expiration of pari-mutuel wagering at satellite locations is repealed.

Ex officio members: The provision calling for the expiration of the ex officio memberships on the Horse Racing Commission is deleted.

Votes on Final Passage:

House	93	4	
Senate	39	4	(Senate amended)
House			(House refused to concur)
Senate	38	5	(Senate amended)
House	95	2	(House concurred)

Effective: May 20, 1991

HB 1125

C 103 L 91

Changing the billing period to twelve months.

By Representatives Braddock and Orr; by request of Dept. of Social and Health Services.

House Committee on Health Care
House Committee on Appropriations
Senate Committee on Health & Long-Term Care

Background: The Department of Social and Health Services (DSHS) administers the Medical Assistance Program which includes Medicaid. Currently, medical providers are required to submit medical assistance claims to DSHS within 120 days from the date of the service. This limitation is inconsistent with the requirements of private medical insurance carriers and has caused confusion, extra administrative workload, and occasional loss of revenue to medical providers. Potential loss of payments and an increased administrative workload have caused medical providers to limit or eliminate their participation in DSHS's medical assistance program. This has exacerbated the serious problem of obtaining health providers to care for medical assistance recipients.

Summary: The time allowed for medical practitioners to present charges to DSHS has been increased from 120 days to 12 months. Prior written approval of extension is eliminated.

Votes on Final Passage:

House	97	0
Senate	45	0

Effective: July 28, 1991

ESHB 1127

C 229 L 91

Adding superior court judge positions.

By House Committee on Judiciary (originally sponsored by Representatives Sheldon, Hargrove, Appelwick, Forner, Paris, Vance, Scott, Wineberry, Jacobsen, Chandler, Wood, P. Johnson, Roland, R. Johnson, Haugen, Cantwell, Jones, May, Zellinsky, Brough, Basich, Lisk, Mitchell, Wynne, Miller, Moyer, Brekke and Sprenkle).

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Law & Justice
Senate Committee on Ways & Means

Background: The Legislature sets by statute the number of superior court judges in each county. Peri-

odically, the Office of the Administrator for the Courts conducts a weighted caseload study to determine the need for additional judges in the various counties.

Retirement system benefits and one-half of the salary of a superior court judge are paid by the state. The other half of the judge's salary and all other costs associated with a judicial position, such as capital and support staff costs, are borne by the county. A statute also requires that the county hire a stenographic court reporter for each superior court judge, although for the last several years new judicial positions have been exempted from this requirement each time they have been created.

Summary: The numbers of superior court judges in five counties are increased as follows:

- King County - from 46 to 58;
- Grays Harbor County - from two to three;
- Skagit County - from two to three;
- Snohomish County - from 11 to 13;
- Mason County - from one to two.

The 12 new positions in King County may be phased in by the county between July 1, 1991 and July 1, 1995. The new position in Grays Harbor County takes effect January 1, 1992; the new positions in Snohomish County take effect July 1, 1992; and the new positions in Mason County and Skagit County take effect July 1, 1991.

In each county the positions become effective only if the county legislative authority documents its approval of the positions and agrees to pay the county's share of the costs of the new positions.

The new positions, as well as future new positions authorized by the Legislature, are all exempted from the requirement that a stenographic reporter be provided for each judge.

If specific funding for the new judicial positions is not provided for in the state budget, the positions are null and void.

Votes on Final Passage:

House	95	0	
Senate	47	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 1, 1991 (Sections 1, 3 and 5)
January 1, 1992 (Section 2)
July 1, 1992 (Section 4)

ESHB 1136

PARTIAL VETO

C 324 L 91

Revising provisions regulating cosmetology.

By House Committee on Commerce & Labor (originally sponsored by Representatives Haugen, O'Brien, Wilson, Wineberry, Spanel, Prince, Valle, H. Myers, Heavey, Scott, Cole, Zellinsky, Wood, Paris, Orr, Jacobsen, Leonard and May).

House Committee on Commerce & Labor
House Committee on Revenue
Senate Committee on Commerce & Labor
Senate Committee on Ways & Means

Background: Licensing: Cosmetologists, barbers, and manicurists provide for the care of hair, skin, and nails. Individuals performing cosmetology, barbering, and manicuring activities must be licensed by the Department of Licensing.

Training requirements: Cosmetologists, barbers and manicurists must complete a specified number of hours of schooling and must pass an examination in order to be licensed. The schooling requirements are: 1,600 hours for cosmetologists; 800 hours for barbers; and 500 hours for manicurists.

Salon/shops: Salon/shops and booth renters are not regulated by the state. Regulation of shop owners was eliminated by the Legislature in 1984.

Licenses and renewals: All licenses are valid for one year.

Out-of-state applicants: A person who is licensed as a cosmetologist, barber, manicurist, or the equivalent in another jurisdiction may receive a Washington cosmetologist license if he or she has completed a course of training equivalent to that required by Washington law. There is no provision dealing with the transfer of an out-of-state cosmetology instructor's license.

Bonding: Schools are required to post a surety bond of $1,000 or 5 percent of the annual gross tuition collected, whichever is more.

Disciplinary authority: The director's disciplinary authority does not include subpoena power, nor does it include the power to impose penalties for unlicensed practice.

Booth renters: Some shop owners rent a portion or all of their booths to individual licensees. Booth renters are not licensed as such, and it is not always clear whether the booth renter or shop owner is required to pay for industrial insurance or business and occupation taxes.

Summary: Licensing: Separate licensing of cosmetologists, barbers, manicurists, estheticians and instructor-operators is established. Instructor-operators may

instruct and practice in the areas in which they are licensed.

Training requirements: The schooling requirements for licensees are: 1,600 hours for cosmetologists; 1,000 hours for barbers; 500 hours for manicurists; 500 hours for estheticians; and 500 hours for instructor-trainees. The department may consult with the state Board of Health and the Department of Labor and Industries in developing the examination and training requirements.

Salon/shops: Salon/shop operators and booth renters are required to obtain a license. Minimum safety and sanitation standards are set for these establishments. The department may consult with the Board of Health and the Department of Labor and Industries regarding minimum salon/shop safety requirements. Mobile operators and personal service operators, who perform the services at the client's home, office, or other convenient location may receive a license. Mobile operators are subject to the same safety and sanitation requirements as are the salon/shops. The director must inspect a salon/shop upon receipt of a written complaint that the salon/shop has violated any provision of this chapter.

Licenses and renewals: Salon/shop licenses and instructor licenses are valid for one year. Cosmetologist, barber, manicurist, esthetician and instructor licenses are valid for two years. A person with a lapsed license may renew that license upon payment of a penalty and all fees for up to four years.

Out-of-state applicants: Out-of-state applicants may obtain a Washington state license by passing the state examination. A person is eligible to sit for the examination if he or she is currently licensed in good standing in another jurisdiction.

Bonding: Schools must maintain an approved security of at least $10,000 or 10 percent of the annual gross tuition collected, whichever is more. "Approved security" is defined as a surety bond, savings assignment, or irrevocable letter of credit.

Disciplinary authority: The disciplinary authority of the director of licensing is expanded to include subpoena power and the power to assess fines for unlicensed practice, aiding and abetting unlicensed practice, non-cooperation with the department in an investigation and not providing a safe and sanitary environment for students or the public.

Booth renters: Booth renters are deemed to be independent contractors for purposes of unemployment insurance, industrial insurance and business and occupations taxes.

Appropriation: Start up money will be appropriated from the general fund to be repaid by fees. The bill is null and void if specific funding is not appropriated in the omnibus appropriations act.

Other housekeeping changes are made.

Votes on Final Passage:

House	72	26	
Senate	35	9	(Senate amended)
House	84	10	(House concurred)

Effective: July 1, 1991

Partial Veto Summary: The section declaring an emergency and establishing an effective date of July 1, 1991 is vetoed. (See VETO MESSAGE)

SHB 1137

PARTIAL VETO

C 311 L 91

Clarifying "criminal justice purposes" for local government criminal justice assistance.

By House Committee on Local Government (originally sponsored by Representatives Haugen, Horn, Wang, Prince, Scott, Wilson, Zellinsky, Riley, Morris, Rayburn, Dorn, Wood, Paris, Orr, Ferguson, Winsley, Bray, Ludwig, Chandler, Inslee, Ogden, Ballard, Forner, Rasmussen, Roland, R. Johnson, Vance, Sheldon, Appelwick, Spanel, Leonard, Broback, D. Sommers, Hine, Kremen, Hargrove, Jones, May, Edmondson, Brough, Holland, Betrozoff, Wynne, Nealey, Miller, Bowman and Moyer; by request of Task Force on City/County Finances).

House Committee on Local Government
Senate Committee on Law & Justice

Background: During the 1990 2nd Extraordinary Session, the Legislature made available $99.4 million to counties and cities to support local criminal justice systems. To ensure the funding was spent where intended, the Legislature restricted the expenditure of new funds to "criminal justice purposes" and specified that new funds could not be used to supplant existing local criminal justice monies. Local governments reacted to the legislative requirements with questions to the state auditor regarding (1) what local governments should use as a benchmark for existing levels of criminal justice expenditures, and (2) what services are included in the definition of "criminal justice purposes."

Based on a memorandum from the attorney general, the state auditor issued an interpretation for local governments to follow. The state auditor identified a government's legally adopted budget for criminal justice services, including any amendments as of July 1, 1990, as the basis for determining existing criminal justice expenditures. The auditor defined "criminal justice purposes" as activities relating to the enforcement and administration of the criminal law including dealings

with persons suspected of, accused of, charged with, or convicted of crimes.

The definition of criminal justice purposes did not include costs associated with civil matters. If local government accounting systems did not separate criminal costs from civil costs, the unit had to develop and implement a rational method of allocating such costs. Further, circumstances exist where criminal and civil justice activities are intertwined (ie. court clerks, bailiffs, prosecutors, and computer support). Many small jurisdictions do not have the computing or accounting systems to distinguish these costs.

Under certain circumstances, local governments may retain as abandoned property funds such as property tax overpayments or refunds. Currently, the abandoned property statute does not allow local governments to retain uncashed checks.

Summary: Local governments are directed to use calendar year 1989 actual operating expenditures for criminal justice purposes as the basis for estimating existing expenditure levels. Local governments are to exclude certain expenditures from the estimation of their criminal justice operating expenses. Excluded from these expenses are expenditures due to extraordinary events, contract changes or nonrecurring capital expenditures. To reduce the administrative burden on local governments and still retain the definition of criminal justice purposes, certain civil justice costs are authorized.

Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs. Certain activities that support both the criminal and civil justice systems (ie. county clerks, bailiffs, computer support, and RCW's) are eligible for funding, but only in circumstances where the criminal justice system is the clearly demonstrated expenditure priority.

An additional one-tenth of 1 percent local sales and use tax option is authorized for counties with a population of 150,000 or more located east of the Cascade mountains. At the present time, Yakima County would gain the option of levying this tax subject to voter approval. Funds generated by the increased taxing authority shall be used solely to support local criminal justice purposes.

Any city with a population exceeding 400,000, currently Seattle, must have an agreement with the Office of the Administrator of the Courts to utilize the District and Municipal Court Information System (DISCUS). If no agreement exists by January 1, 1992, Seattle shall not receive any further distributions from the Municipal Criminal Justice Assistance Account until such an agreement is in place. City municipal court system integration with DISCUS must be operational and in use no later than January 1, 1994. The implementation date is contingent upon funds being made available by the Legislature.

Uncashed checks are included in the abandoned property statute and are authorized to be held locally. After such abandoned property is held for more than five years, the proceeds may be deposited in the local jurisdiction's general expense fund.

Votes on Final Passage:

House	93	0	
Senate	49	0	(Senate amended)
House	89	8	(House concurred)

Effective: May 20, 1991

Partial Veto Summary: The governor vetoed Section 3 which required, in part, the city of Seattle to integrate its Municipal Court Information System with the Office of the Administrator for the Court's District and Municipal Court Information System (DISCUS). The governor noted his objection to language authorizing the withholding of state criminal justice funds if Seattle failed to enter into such an agreement. The veto also eliminated language dealing with the definition of criminal justice purposes and the benchmark for determining existing local criminal justice funding levels. (See VETO MESSAGE)

EHB 1139

C 155 L 91

Authorizing continuing education credit for teachers for certain out-of-state courses.

By Representatives Peery, H. Myers, Brough, Morris, Winsley, Pruitt, Cooper, Jones, Rayburn, Basich, Betrozoff, Miller and G. Fisher.

House Committee on Education
Senate Committee on Education

Background: In 1986, the state Board of Education approved regulations that, with several minor exceptions, require individuals who obtain continuing education certificates after August 1987 to complete 150 hours of continuing education every five years. The requirement applies to all certificated personnel, including teachers, principals, and educational staff associates (e.g. school nurses, psychologists, occupational therapists).

Continuing education credit may only be granted by entities approved by the state Board of Education. Some certificated personnel, such as school nurses, speech therapists and psychologists, have a difficult time finding approved courses that are professionally relevant.

Summary: Educational staff associates may use credits that satisfy the continuing education requirements for their state professional licenses, if any, to fulfill the continuing education requirements established by the state Board of Education.

Votes on Final Passage:

House	98	0	
Senate	44	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 28, 1991

SHB 1142

C 174 L 91

Redefining the agricultural products for which processor liens may be established.

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rasmussen, Bowman, Chandler, Kremen, Spanel, Roland, Tate, Sprenkle, McLean, Dorn, Rayburn, Haugen, Riley, R. Johnson, Grant, Jones, Phillips, Orr, Brumsickle, Ferguson, Ballard, P. Johnson, Sheldon, Hochstatter, Paris, Fuhrman, Morton, Padden, Edmondson, Lisk, Betrozoff, Wynne, Nealey and Moyer).

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture & Water Resources

Background: In a bankruptcy proceeding, secured claims of creditors have priority over unsecured claims. That is, creditors with secured claims properly filed with the bankruptcy court are paid first, reducing the amount of the debtor's assets available for satisfying the claims of creditors with unsecured interests. A secured interest may be derived from: (1) a judicial lien obtained by judgment or other equitable process; (2) a lien created by statute; or (3) a lien created by a contractual agreement with the debtor.

In 1983, the Legislature enacted law authority processor liens. Under the processor lien statute, a producer who delivers certain agricultural products to a processor or conditioner has a first priority lien for the price or value of the product. The lien applies to certain agricultural products delivered to a processor or conditioner in an unprocessed form.

Summary: The categories of agricultural products delivered to a processor or conditioner and for which a producer is entitled to a processor lien under state law are altered to expressly include milk, milk products, and aquaculture products.

The circumstances constituting "delivery" under the processor lien law are specified.

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

HB 1143

C 58 L 91

Authorizing honorary degrees.

By Representatives Wood, Jacobsen, Schmidt, May, Miller, Paris, Jones, Beck, Spanel, Fuhrman, Haugen, Heavey, Winsley, Forner, Mitchell, Betrozoff and Wynne.

House Committee on Higher Education
Senate Committee on Higher Education

Background: The University of Washington and Washington State University may grant honorary degrees. Upon recommendation of the faculty, the honorary degrees may be given to persons who did not graduate from the universities. The honorary degrees are conferred in recognition of a person's learning or devotion to literature, art or science. Honorary degrees cannot be granted for money or for donation of any kind of property.

The regional universities and colleges, and the community colleges are not authorized to grant honorary degrees.

Summary: The governing boards of the regional institutions of higher education, and the governing boards of the community colleges may grant honorary degrees. Upon recommendation of the faculty, the honorary degrees may be granted to people who did not graduate from the institution. The honorary degrees may be conferred in recognition of learning or devotion to education, literature, art, or science. No degree may be given for money or for the donation of any kind of property.

The community colleges are authorized to grant an honorary associate of arts degree. The regional institutions may confer an honorary bachelor's or master's degree.

Votes on Final Passage:

House	95	1
Senate	46	0

Effective: July 28, 1991

EHB 1156

C 264 L 91

Regulating structural pest control inspectors.

By Representatives Winsley, Rayburn, Rasmussen, R. Johnson, Cole and Wilson.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture & Water Resources

Background: The state's Pesticide Control Act requires that pest control consultants be licensed by the Department of Agriculture. To obtain a license, consultants must demonstrate, through a written examination, their knowledge of pesticide laws and rules, pesticide hazards, and the safe distribution, use, application, and disposal of pesticides. The examinations may vary based on various classifications of the licenses sought.

Summary: No individual may commercially perform the service of inspecting a building for the presence of pests destructive to its structural components without first obtaining from the director of the Department of Agriculture a pest control consultant license in the special category of structural pest control inspector. The fee for such a license is $30. Exempted from the licensing requirement are entities licensed as pesticide applicators or operators when acting within the authorities of those licenses. Also exempt are governmental employees acting in their official governmental capacities and certain persons acting solely within a licensed pesticide dealer's outlet.

The director may adopt rules establishing criteria governing the conduct of a structural pest control inspection. It is unlawful for any person to fail to comply with such criteria.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: July 28, 1991

ESHB 1172

C 230 L 91

Creating the school pathway and bus stop improvement program.

By House Committee on Education (originally sponsored by Representatives Holland, Cole, Peery, Brumsickle, G. Fisher, Valle, Brough, Phillips, Rasmussen, Jones, Dorn, P. Johnson, Jacobsen, Winsley, R. King, Pruitt, H. Myers, Ogden, Wood, Vance, Sheldon, Day, Spanel, Leonard, Paris, Rust, Scott, Haugen, Mitchell, Hine, Cantwell, Wynne, Nealey, Miller, Bowman, Moyer, Fraser, O'Brien, Sprenkle, Orr and Tate; by request of Task Force on Student Transportation Safety).

House Committee on Education
House Committee on Transportation
Senate Committee on Education

Background: The Task Force on Student Transportation Safety was established in 1989 (ESHB 2066) to develop recommendations for reducing the dangers children face as they travel to and from school. One of the task force's recommendations included the establishment of a school pathway and bus stop improvement program.

Many children in the state must walk to school on busy streets without sidewalks or adequate shoulders. In addition, children riding school buses are often loaded and unloaded in hazardous locations. These risks are especially high in regions of the state experiencing rapid residential growth. Local jurisdictions have programs to fund sidewalks, paths and trails, but the task force found these programs to be inadequate to meet identified needs.

The State pays the costs of transporting students who live more than one-mile radius of their school. In addition, it pays for transporting children who live within one-mile if walking to school is determined to be hazardous due to inadequate sidewalks and pathways. In the 1990-91 school year, the State paid districts $13.8 million from the general fund for transporting children because of hazardous walking condition determinations.

Summary: The School Pathway and Bus Stop Improvement Program Council is created. The purpose of the council is to make recommendations about roads, streets, and bus stops that the council considers inadequate for school children as they travel to school, and to develop a program for making safety improvements.

The council shall include representatives from the Legislature, Department of Transportation, the Office of the Superintendent of Public Instruction, school district administrators, school board members, counties,

cities, the Traffic Safety Commission, school bus drivers, and parents.

The council shall:

(a) formulate criteria for identifying roads and school bus stops that the council considers inadequate for elementary school students, and establish recommendations for standards for making safety improvements;

(b) based on these criteria, inventory roads within a one-mile radius of elementary schools and school bus stops considered inadequate by the council, and recommend priority safety improvement projects;

(c) develop a plan by which the recommended priority safety improvement projects may be implemented, and make the plan available to applicable local jurisdictions;

(d) formulate recommended guidelines for student pedestrian safety within a one-mile radius of new elementary schools; and

(e) estimate the cost of implementing state-wide sidewalk crossing rules.

The council shall submit its recommendations and findings to the Legislature, governor, local governments, school districts, and other appropriate agencies and organizations by June 30, 1993.

If the bill is not included in the budget, it will be null and void. Authority for the council expires on June 30, 1996.

Votes on Final Passage:

House	96	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

HB 1176

C 60 L 91

Specifying timing and voting on filling school board vacancies.

By Representatives Leonard, Holland, Peery, Brough, Cole, Forner, Rayburn, Vance, Brumsickle, Jones, Miller, Fuhrman, Phillips, Winsley, Paris and Betrozoff.

House Committee on Education
Senate Committee on Education

Background: The procedure for filling a school board vacancy is as follows:

"In case of a vacancy from any cause on the board of directors of a school district ... a majority of the legally established number of board members shall fill such vacancy by appointment...."

Washington law does not specifically prohibit a school board member who has announced a resignation, thereby creating a vacancy, from voting on the selection of the successor to his or her position. A recent court case in King County raised questions concerning a resigning board member's authority to vote on the selection of his successor.

Summary: A school board director who has submitted a resignation may not vote on the selection of his or her replacement.

Votes on Final Passage:

House	96	0
Senate	43	0

Effective: July 28, 1991

EHB 1177

C 61 L 91

Clarifying school district boards of directors' responsibilities.

By Representatives Holland, Leonard, Peery, Brough, Jones and Winsley.

House Committee on Education
Senate Committee on Education

Background: Each school board has the authority and the responsibility to set policies regarding the content and extent of the educational program offered.

School boards have a specific list of responsibilities. In listing the school board responsibilities, statute recites that "it shall be the responsibility of each common school district board of directors, acting through its respective administrative staff, to" (underline added) perform the specified responsibilities. There has been litigation over the division of responsibilities between a school board and its administrative staff.

Summary: The phrase "acting through its respective administrative staff" is deleted, and the school board is required to adopt policies with respect to each of its listed responsibilities.

Votes on Final Passage:

House	96	0
Senate	45	0

Effective: July 28, 1991

ESHB 1181

C 328 L 91

Licensing private detectives.

By House Committee on Commerce & Labor (originally sponsored by Representatives Cole, Heavey, Jacobsen, R. King, Zellinsky, Jones, Prentice, Vance, Rayburn, Franklin, Scott, Wood, Bowman, Neher, Van Luven, Appelwick and Riley).

House Committee on Commerce & Labor
House Committee on Appropriations
Senate Committee on Commerce & Labor

Background: Various proposals to regulate private detectives on a statewide basis have existed for the past decade. Some industry and law enforcement representatives have expressed the following concerns with the current system of local regulation:

1) Consumers are not assured of competent practitioners who are able to provide the services contracted for;

2) Private detective agencies cannot be assured that the individuals they hire are free of a criminal history that may pose a threat to public health and safety, unless the agencies request and pay for their own background checks of applicants; and

3) Local regulation places an unfair burden on private detective agencies in some localities and is inadequate or nonexistent in others.

Summary: A uniform statewide licensing scheme is established for private detectives and private detective agencies, to be administered by the Department of Licensing.

Requirements for obtaining a license: To obtain a license as a private detective a person must: be at least 18 years of age; be a United States citizen or a resident alien; not have been convicted in the last 10 years of a crime that is related to the duties of a private detective; be employed by or have an employment offer from a private detective agency or be licensed as a private detective agency; satisfy the training requirements; submit a set of fingerprints; and pay the required fee.

To obtain an armed private detective license, a person must be licensed as a private detective, be at least 21 years old and have a current firearms certificate issued by the Criminal Justice Training Commission.

To obtain a license as a private detective agency a person must be 21 years old and pass an examination or have had at least three years' experience as a supervisor in the private security business.

Licenses: After receiving an application for a license, the director will conduct a background investigation of the applicant, including a fingerprint check. The director will issue a license card to each licensed detective and armed detective. The card may not be used for security clearance or identification and must be carried whenever the detective is working.

The director will issue a license certificate to each licensed private detective agency. The certificate must be posted at the premises described in the license. Any advertisement must contain the name of the licensee, the address of record, and the license number.

Training: The director of the Department of Licensing will adopt rules establishing pre-assignment training requirements, and the procedure for obtaining and renewing all licenses under this chapter. Pre-assignment training will include at least four hours of classes. Firearms training will be administered by the Criminal Justice Training Commission.

Reciprocity: A private detective who changes his or her permanent residence to this state from another state with equivalent certification requirements may become licensed upon the payment of a processing fee. A valid license issued by another state is valid in this state for 90 days if the licensee is on temporary assignment for the same employer that employs the licensee in his or her home state. Private detectives whose duties require them to operate across state lines may operate in this state if the director determines that the state that licensed the detective has training, insurance and certification requirements at least equal to this state.

Insurance: A private detective agency must post a $10,000 bond or, in lieu of a bond, a private detective agency may carry comprehensive general liability insurance of at least $25,000 for bodily injury and $25,000 for property damage.

Unlawful acts: It is a gross misdemeanor for a person to act as a private detective or an armed private detective, or to own or operate a private detective agency without a license. A private detective commits a gross misdemeanor if he or she:

1) attempts to use the license of another;

2) gives false or forged evidence to the director in obtaining a license;

3) falsely impersonates another licensee;

4) attempts to use an expired or revoked license; or

5) violates any of the provisions of this chapter.

Grounds for discipline or denial or revocation of a license: There are 19 prohibited acts that are grounds for disciplinary action or denial, suspension or revocation of a license:

1) knowingly violating any provision of this chapter;

2) knowingly making a material misstatement in the application process;

3) not meeting the qualifications of this chapter;

4) failing to return a firearm immediately upon demand;

5) carrying a firearm without a valid armed private detective license or carrying a firearm not meeting the provisions of this chapter;

6) failing to return company identification or a badge immediately on demand;

7) making a statement that would reasonably cause another person to believe that he or she is a police officer;

8) divulging confidential information that may compromise the security of any premises to which he or she was assigned;

9) conviction of a gross misdemeanor or felony or any act involving moral turpitude, dishonesty, or corruption;

10) false, fraudulent, or misleading advertising;

11) incompetence or negligence that results in or creates an unreasonable risk of injury to a person;

12) suspension, revocation, or restriction of the individual's license to practice by competent authority in any state, federal, or foreign jurisdiction;

13) violation of any state or federal statute or administrative rule regulating the profession;

14) failure to cooperate with the director in an investigation;

15) failure to comply with an order of the director;

16) aiding or abetting unlicensed practice;

17) misrepresentation or fraud in any aspect of the conduct of the business or practice;

18) failure to adequately supervise employees so that the public health or safety is at risk; or

19) willful misrepresentation of facts before the director or using threats or harassment against a client or witness in an investigation or disciplinary proceeding.

A license issued pursuant to this chapter may not be assigned or transferred.

Director's authority: The director is given authority to: amend and rescind rules; issue subpoenas and administer oaths; take depositions; compel attendance of witnesses; conduct practice reviews; order summary suspension in emergencies; use the office of administrative hearings; enter into contracts for professional services; adopt standards of professional conduct; impose sanctions for unprofessional conduct; enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing; and compel attendance of witnesses at hearings.

The director may enforce the payment of unpaid fines in superior court.

Civil action: Any person or governmental agency may maintain an action to enjoin any unlicensed person from continuing to engage in the profession. A civil penalty of up to $25,000 may be imposed on a person who violates an injunction.

Medical examinations: If the director has reason to believe that a licensee or applicant may be unable to safely perform the job of a security guard because of a mental or physical condition, the director may order the licensee or applicant to submit to a medical examination as a condition of licensure.

Immunity from suit: The director and individuals acting on the director's behalf are immune from suit based on official acts performed in the course of their duties under this chapter.

Null and void clause: The act is null and void if specific funding is not appropriated for the purposes of the act.

Votes on Final Passage:

House	96	2	
Senate	46	0	(Senate amended)
House	94	2	(House concurred)

Effective: July 28, 1991

SHB 1189

C 247 L 91

Allowing courts to award costs for probation or deferred prosecution.

By House Committee on Judiciary (originally sponsored by Representatives Ludwig, Locke, Padden, Riley, Inslee, Paris, Mielke, Scott, H. Myers, R. Meyers and Orr).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: A defendant charged with a misdemeanor crime may, under certain circumstances, seek a deferred prosecution. The vast majority of deferred prosecutions occur in driving while intoxicated (DWI) cases. In order to get a deferral a defendant must show, among other things, that his or her conduct was the result of alcoholism or drug addiction. A defendant who is granted a deferral is not prosecuted for the crime if he or she successfully completes the required program of treatment.

As part of a deferred prosecution, the court is expressly authorized by a statute to impose probation in order to supervise the conduct of the defendant. In another statute, courts are authorized to impose on "misdemeanants" a monthly assessment of up to $50 for probationary supervision. A person granted a deferred prosecution is not literally a "misdemeanant."

In misdemeanor cases generally, courts are also authorized to impose "costs" on a defendant. These costs may include only expenses "specially incurred by the state in prosecuting the defendant." These costs may not include expenses of providing a constitutionally

guaranteed jury trial, or the general overhead of the criminal justice system. These costs may include such things as expenses for service of warrants for failure to appear.

The Washington Court of Appeals recently upheld a lower court ruling that the trial court may not impose administrative costs in deferred prosecutions as a condition of granting a deferral. The opinion also casts some doubt on whether the trial court may impose probation fees as part of a deferral.

Summary: In deferral of prosecution cases, trial courts are explicitly authorized to impose costs of up to $150 and a monthly fee of up to $50 for probation services.

Votes on Final Passage:
House 97 0
Senate 44 0

Effective: July 28, 1991

SHB 1194

C 349 L 91

Revising and adding provisions on special districts.

By House Committee on Local Government (originally sponsored by Representatives Zellinsky, Wynne, Cooper, Rayburn, Roland, Wood, Edmondson, Mitchell, Nealey, Bray, Franklin and Haugen).

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Various special districts may be formed that have voting rights restricted to property owners. Some of these special districts provide diking and drainage-type improvements and services, flood control, storm water control, and surface water control. These special districts include diking districts, drainage districts, diking improvement districts, drainage improvement districts, and flood control districts.

Special district elections are held in December. The initial election of special district governing body members must comply with statutory requirements for a filing period, declaration of candidacy, and arrangement of names on the ballot. There are no requirements for subsequent special district elections.

A special district election must be conducted if no one or just one person files for a position on the special district governing body.

Summary: No election is to be held if no one or only one person files for a position on a governing body of a special district. If only one person files, that person is deemed to have been elected to the position.

The time for holding special district general elections is changed from the second Tuesday in December in each odd-numbered year to the first Tuesday after the first Monday in February in each even-numbered year.

If a special district has at least 500 qualified voters, then the county auditor must publish a notice in a newspaper of general circulation in the district that states the filing period and place for filing a declaration of candidacy to become a member of the special district's governing body. This notice must be published at least seven days before the closing of the filing period. If a special district has less than 500 qualified voters, then the county auditor must mail or deliver this notice to each qualified voter at least seven days prior to the closing of the filing period.

The procedures used in the initial election of special district governing body members for the filing period, the method for filing declarations of candidacy, and the method for arranging candidates' names on the ballot also apply to subsequent special district elections.

If a special district has less than 500 qualified voters, then the special district must contract with the county auditor to conduct the elections. The county auditor has discretion to conduct these elections by mail. If a special district has at least 500 qualified voters, then the special district may contract with the county auditor to staff the voting site during the election, or contract with the county auditor to conduct the election by mail, or conduct its own election. A special district that conducts its own election must enter into an agreement with the county auditor that specifies each party's responsibilities. The county auditor is not required to publish notice of any special district election conducted by mail.

The voting scheme in special districts is altered so that each property owner receives two votes at any election. If the property is held as community property, both spouses receive one vote if they are eligible to vote - unless one spouse designates in writing that the other spouse may cast both votes. If multiple undivided interests exist, the owner or owners of undivided interests at least equal to a majority interest cast the votes. A corporation, partnership, or governmental entity may designate a natural person to cast its votes.

The maximum number of votes that a property owner may possess is doubled from 20 to 40 for those special districts that have additional votes based upon the acreage held by the property owner. The three types of districts affected by this change are diking improvement districts, drainage improvement districts, and flood control districts.

The authority of a city or town, located outside of a diking or drainage district, to levy assessments on taxable property within the city or town that benefits from the diking or drainage district's facilities is altered so

that the city or town may impose assessments on any benefited property in the city or town.

A statute is repealed that appears to grant intercounty diking and drainage districts the authority to impose property taxes. A provision of law relating to diking improvement districts and drainage improvement districts is recodified in the appropriate chapter of laws.

Special districts are also authorized to engage in lake or river restoration, aquatic plant control, and water quality enhancement activities.

Board members of special districts may be compensated up to $50 per day for district business. The compensation may not exceed $4800 a year.

Votes on Final Passage:

House	93	0	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Senate			(Senate receded in part)
Conference Committee			
Senate	39	0	
House	98	0	

Effective: July 28, 1991

HB 1195

C 8 L 91

Authorizing irrigation districts to establish consolidated local improvement districts.

By Representatives Bray, Ferguson, Nealey, Rayburn, Haugen, Ludwig, Grant, Neher and Wynne.

House Committee on Local Government
Senate Committee on Agriculture & Water Resources

Background: Local improvement districts (LID's) are financing devices used by local governments to finance the costs of public improvements.

To use an LID, boundaries are drawn around a proposed public improvement. Within the boundaries is the property that benefits (i.e., will have its market value increased) from the public improvement. Special assessments are imposed on that benefited property to finance the public improvement. Payment may be made in a lump sum or through LID bonds.

Irrigation districts are authorized to create LID's. Irrigation district laws provide that an LID may finance the costs of an improvement, but do not appear to allow a single LID to finance more than one improvement.

Cities and towns are authorized to create consolidated LID's, only for the purpose of issuing LID bonds, to finance public improvements that need not be adjoining, vicinal, or neighboring.

Summary: For the purpose of issuing local improvement district bonds only, irrigation districts are authorized to create consolidated local improvement districts to finance improvements. The improvements are not required to be adjoining, vicinal, or neighboring.

Votes on Final Passage:

House	88	0
Senate	48	0

Effective: July 28, 1991

SHB 1196

C 156 L 91

Establishing the Washington state center for environmental and molecular sciences at Washington State University/Tri-Cities.

By House Committee on Energy & Utilities (originally sponsored by Representatives Bray, Neher, Jacobsen, Ludwig, Grant, Nealey, Rayburn, Inslee and G. Fisher).

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: In 1989, the Legislature assigned Washington State University (WSU) responsibility for meeting the upper-division and graduate education needs of Tri-Cities residents and directed WSU to operate a branch campus in the Tri-Cities area. The branch campus replaced the Tri-Cities University Center, a center that served the federal government's Hanford operation, Hanford contractors, and Tri-Cities residents.

Recently, the U. S. Department of Energy designated Battelle's Pacific Northwest Laboratory in the Tri-Cities as the Center for Environmental Excellence and as its Molecular Science Center. The department also designated the Hanford Site as the focus of waste management and environmental restoration efforts.

Summary: By November 1, 1991 Washington State University (WSU) must submit a proposal to the Higher Education Coordinating Board (HECB) for the development of a center for environmental and molecular sciences at Washington State University/Tri-Cities.

The purposes of the proposed center include coordinating the relationship of the university with federal research efforts in the Tri-Cities area, and initiating collaborative research efforts with Hanford contractors and staff. The center must be designed to: develop upper-division and graduate instructional programs in environmental assessment and remediation technology, and in molecular sciences with the approval of the HECB; develop expertise necessary to assist in technology transfer; foster strong, cooperative relationships with governmental agencies and businesses interested

in hazardous waste and molecular science research and development; ensure that expertise from all Washington universities and colleges is available to aid federal research efforts; and, ensure that the State and its institutions of higher education are able to benefit from those efforts.

The HECB must review the proposal and evaluate its policy and fiscal aspects. The board must review the proposed center's role and mission within the context of the development plan for WSU's branch campuses. By February 1, 1992 the board must recommend to the governor and the Legislature whether to establish a Washington State Center for Environmental and Molecular Sciences.

Votes on Final Passage:
House 97 0
Senate 45 0

Effective: July 28, 1991

SHB 1200

C 12 L 91

Continuing direct access to physical therapists.

By House Committee on Health Care (originally sponsored by Representatives Morris, Brough, Anderson, Brumsickle, Hine, Prentice, Fraser, Ebersole, Cole, Pruitt, Jacobsen, Prince, Belcher, Peery, Cooper, Wang, Cantwell, Day, Brekke, Winsley, Edmondson, R. Johnson, Padden, R. King, Nelson and Spanel).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: The State regulates and licenses physical therapists. The scope of physical therapy generally includes the treatment of any bodily or mental condition by the use of specified therapeutic physical modalities.

In 1989, the regulatory program was transferred from the Department of Licensing to the Department of Health.

Before 1988, a physical therapist could not treat a patient without a prior consultation and periodic review by a physician, podiatrist, dentist, chiropractor or naturopath. In 1988, the Legislature expanded the scope of practice by expressly authorizing physical therapists to treat patients with neuromuscular and musculoskeletal conditions directly, and without prior consultation or periodic review by these authorized health care practitioners. However, this authority expires on June 30, 1991.

Concurrently, the Legislative Budget Committee was required to conduct a study under the "Sunset" law and report to the Legislature by January 1, 1991 to determine whether this expanded practice authorization should be continued. However, the Legislature repealed the requirement to study the issue in 1990.

The Board of Physical Therapy has no specific authority to determine the standards of appropriate care.

The board may require licensees to obtain some degree of continuing professional education as a condition for license renewal, but has never exercised this authority.

Summary: Technical references to the transfer of the physical therapy regulatory program to the Department of Health are made.

The authority for physical therapists to treat patients directly and without the necessity of a prior consultation or periodic review from other health care practitioners is continued indefinitely.

The Board of Physical Therapy is directed to determine the standards of appropriate care.

As a condition for license renewal, a licensee is required to meet requirements for continuing competency as established by the board.

Votes on Final Passage:
House 97 0
Senate 48 0

Effective: June 1, 1991
January 1, 1992 (Section 7)

SHB 1201

PARTIAL VETO

C 363 L 91

Removing references to county classes.

By House Committee on Local Government (originally sponsored by Representatives Cooper, Wood, Rayburn, Edmondson, Franklin, Haugen, Nealey, Zellinsky, Wynne, Bray, Mitchell, Roland and Ferguson).

House Committee on Local Government
Senate Committee on Governmental Operations

Background: County classes: The state constitution authorizes the Legislature to classify counties as follows: (1) counties may be classified by population for purposes of electing officers in certain counties who exercise the powers of two or more county officers; and (2) counties may be classified by population for purposes of establishing compensation for county officers.

Counties are classified by population in 11 classes: AA, A, and 1st through 9th, each class associated with a descending population range. The statute does not indicate how the population is determined for purposes of these classes.

The Office of Financial Management makes annual estimates of population for each county in the state that are accepted for a variety of purposes.

Counties have been classified by population since statehood and legislation has been enacted using these classifications to both combine the duties of certain county officers in certain classes of counties and to provide different levels of compensation for county officers depending on the class of the county. In addition, newer legislation has been enacted classifying counties for other purposes.

Elections: County auditors are the election officials who conduct most elections.

County purchasing and public works: A variety of laws have been enacted controlling the procedures by which counties make purchases and award contracts for public works projects.

Where the value of the items to be purchased exceeds a given amount, the purchase must be made using a formal competitive bidding procedure with the submission of sealed bids. Items valued below the threshold may be purchased without using this formal competitive bidding procedure.

A formal competitive bidding procedure with the submission of sealed bids must also be followed to award a non-road public works project contract exceeding a statutory amount. A modified competitive bidding process involving a small works roster is permitted for counties to award public works projects of a medium dollar value level. Contracts for public works projects of a low dollar value may be let without using a competitive bidding procedure.

Road improvement districts (RID's): Counties may establish road improvement districts (RID's) to finance road projects. RID's are local improvement districts used for county road projects. Under this procedure, special assessments are imposed on property that is benefited by the road project to finance all or part of the project's costs.

Essential rail assistance account: The State makes grants to first class cities, county rail districts, and port districts from the essential rail assistance account for a variety of capital and operating purposes for publicly owned railroads and rail facilities.

County road vacations: Counties are permitted, under certain circumstances, to vacate county roads. A road vacation is initiated by the filing of a petition proposing the road vacation that has been signed by at least 15 freeholders residing in the vicinity of the road that is proposed to be vacated. The county planning commission makes a recommendation on the proposed vacation, as does the county engineer. The county legislative authority makes the decision on the vacation after holding a public hearing.

County associations: Counties may designate the Washington State Association of Counties to coordinate and administer various county programs and may designate the Washington State Association of County Officials to coordinate and administer various programs related to county elected officials other than county legislative authorities. County dues to each of these associations may not exceed an amount equal to the amount that would be obtained from a tax levy by the county equal to one half cent per thousand dollars of assessed valuation.

Community corrections boards: A county may establish a community corrections board consisting of nine members, four of whom are appointed by the county legislative authority and five of whom are various county officials, to establish a corrections plan for the county.

Siting of schools: Counties are authorized to adopt comprehensive plans and zoning ordinances controlling land uses in the unincorporated area of the county. The Supreme Court has held that water district facilities are subject to these zoning ordinances. It appears that public schools proposed to be located in the unincorporated area are subject to county zoning controls.

Ad hoc community councils: Counties are permitted to create ad hoc community councils to advise the county.

Summary: County classes: The classes of counties are eliminated. Every statute containing a classification of counties is altered to delete the class of counties, and the population range that is associated with the classification is substituted for the class, except each reference to class AA counties is altered to refer to counties with populations of one million or more, which covers only King County. However, the ability of a port district that is located in a class AA county to elect its commissioners without using commissioner districts is permitted in any county with a population with 500,000 or more and the authority of a class AA county to provide for 12 unclassified positions in its sheriffs office is retained for any county with a population of 500,000 or more.

The following changes are made relating to population ranges of counties: (1) the population is increased to allow a county to use receipts from the management of its county tax lands to balance the county budget, to permit Skamania County to continue this practice; and (2) a county that loses population below the population sufficient to allow it to elect a separate coroner, such as Whitman County, may adopt an ordinance continuing the election of a coroner instead of having the prosecuting attorney act as the coroner.

The latest determination of a county's population is to be used whenever a statute references the population of a county, whether the population is established by a

census, special county census, or population estimate by the Office of Financial Management.

Specific port district provisions of law are repealed that provide different methods for filing for port commissioner and for conducting port district elections, depending on the class of county in which the port district is located.

Elections: County auditors are permitted to contract with the post office for change of postal address information, which could be used to initiate cancellation of voter registration if notices sent to a registered voter are returned as being undeliverable.

County purchasing and public works: A variety of changes are made to the procedures by which counties make purchases and award contracts for non-road related public works projects.

Counties are permitted to award multiple contracts on bids for road construction materials.

The requirement that first class and larger counties must establish a purchasing department is deleted and any county is permitted to establish a purchasing department. The requirements for county public works projects are separated from the requirements for county purchases. The procedure by which counties use small works rosters to award construction projects of less than $100,000 is altered. The modified competitive bidding procedure is altered and the maximum value of a purchase that may be made using this modified procedure is increased from $10,000 to $25,000.

General laws relating to county road budgets are amended to delete certain details. The requirement that county road budgets be prepared with a total budget amount and each budget category expressed as a percentage of this total budget amount is altered so that the amount for each budget category is expressed as a dollar amount.

Road improvement districts (RID's): When a RID is used to finance road improvements, a county may consider the value of land donated to the county for the improvement in establishing the special assessments to be imposed on the parcel from which the land was donated.

Essential rail assistance account: Counties are eligible for state grants from the essential rail assistance account to finance a variety of capital and operating railroad facilities and projects that are owned by the county.

County road vacations: The signature requirement on a petition to initiate the proposed vacation of a county road is altered from the signatures of at least 15 freeholders residing in the vicinity of the road that is proposed to be vacated, to the signatures of the owners of a majority of the frontage on the road that is proposed to be vacated. The requirement is deleted that the county planning commission make recommendations on proposed road vacations.

County associations: The ceilings are eliminated on dues that a county may pay to the Washington State Association of Counties and the Washington State Association of County Officials.

Local law and justice councils: Community corrections boards are changed to local law and justice councils. The county legislative authority is permitted to determine the size and composition of these councils, which must include representatives of county and city governing bodies, and various persons associated with the county and city criminal justice system. A local law and justice plan that the council develops for the county must address specified subjects and the plan is subject to final approval by the county legislative authority.

Siting of schools: Counties must allow schools to be sited in all parts of their planning jurisdiction either as a permitted use or under a conditional use permit.

Community councils: Statutes are repealed permitting counties to create ad hoc community councils to provide advice to the county.

Voters of unincorporated communities in counties that are composed entirely of islands and that have a population of 30,000 or more may establish elected community councils to serve as a forum to discuss issues and to develop proposed community comprehensive plans and proposed community zoning ordinances. A community from which a community council is elected must include at least 1000 residents unless it is an entire island, in which case the community must include at least 300 residents. A community council consists of from five to 11 members elected by the voters of the community.

Within 90 days of electing a community council, the county legislative authority is required to adopt an ordinance establishing policies and requirements, and designating the portions of the county comprehensive plan and zoning ordinances with which the proposed community comprehensive plans and proposed community zoning ordinances must conform. A proposed community plan and proposed community ordinances are submitted to the county legislative authority for review for consistency with the requirements of the county ordinance. The county legislative authority must approve the proposed plan and proposed ordinances, or return the proposed plans and proposed ordinances with written findings specifying the inconsistencies.

The county is required to enforce approved community comprehensive plans and approved community zoning ordinances as if it had adopted the plans and ordinances. Provisions are made for altering the approved community comprehensive plans and approved community zoning ordinances and for altering the

county ordinance that establishes requirements for these plans and ordinances.

Once every four years a ballot proposition must be submitted to the voters of a community to consider if its community council shall be reestablished for another four years.

Votes on Final Passage:

House	97	1	
Senate	44	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	38	9	
House	97	0	

Effective: July 28, 1991
July 1, 1992 (Sections 28, 29, 33 and 131)
July 1, 1993 (Section 47)

Partial Veto Summary: Several sections were vetoed relating to county classes, that were amended in other laws. The section was vetoed relating to county control over the siting of schools. (See VETO MESSAGE)

HB 1206

C 88 L 91

Establishing a procedure for collecting overpayments and allowing eligible surviving spouses to choose a lump sum payment equal to two years of monthly payments.

By Representatives Jones, Fuhrman, R. King and Winsley; by request of Department of Labor & Industries.

House Committee on Commerce & Labor
Senate Committee on Commerce & Labor

Background: Industrial insurance overpayments to injured workers: If an injured worker receives industrial insurance benefits in error or because of innocent misrepresentation, the worker is required to repay the payments, which may be recouped from the worker's future benefits. If the overpayment has been induced by fraud, the worker must repay the benefits and a 50 percent penalty.

The industrial insurance law does not specify procedures for collection of overpayments.

Remarriage payments to the spouse of a deceased worker: If a deceased worker was eligible for industrial insurance benefits, his or her surviving spouse receives monthly payments according to the statutory benefit formula until the spouse's death or remarriage. If the spouse remarries, the monthly pension ceases at the end of the month in which the marriage occurred.

Upon remarriage, the spouse may choose to settle his or her remaining benefit claim by receiving either: 1) a lump sum payment of $7,500, or 2) 50 percent of the annuity value of the remaining benefits, whichever is less. The spouse may also decide not to take the settlement. In that case, if the new marriage ends because of death or court action, the spouse may again receive the monthly pension payment.

Coverage of federal employees: The Federal Employees' Compensation Act (FECA) provides workers' compensation coverage for certain employees. Under a recent decision of the Board of Industrial Insurance Appeals, these employees may be covered under both state industrial insurance and FECA.

Employer deposits: When an employer who is required to obtain industrial insurance coverage first commences or resumes business, the employer must file a deposit equaling the estimated industrial insurance premiums for three months.

Summary: Industrial insurance overpayments to injured workers: Industrial insurance overpayment orders may be contested by a worker or other beneficiary in the same manner as other orders made by the Department of Labor and Industries. If a final overpayment order is not paid, the department or self-insurer may file a warrant in superior court. The warrant then becomes a lien against all real and personal property of the person against whom the warrant is issued. The warrant may be executed by the county sheriff as provided under civil law and may support a writ of garnishment. A copy of the warrant must be mailed to the person against whom it was issued within three days of filing.

The department or self-insurer may also issue a notice to withhold and deliver to anyone holding property belonging to the recipient of overpayments. If the property held is wages, the wage earner is entitled to all exemptions provided by law.

The new overpayment collection procedures apply only to overpayment orders issued on or after the effective date of the act, except for orders resulting from fraud. The orders must contain conspicuous notice of the collection methods available to the department.

Remarriage payments to the spouse of a deceased worker: For cases involving injuries occurring on or after the effective date of the act, the lump sum option that an injured worker's surviving spouse may choose upon remarriage is changed from $7,500 (or 50 percent of the annuity value of the remaining benefits, whichever is less) to a lump sum amount equal to 24 times the monthly compensation amount (or 50 percent of the annuity value of the remaining benefits, whichever is less).

Coverage of federal employees: State industrial insurance does not apply to employees who are covered under the Federal Employees' Compensation Act.

Employer deposits: The provisions are deleted that require an employer to file a deposit equaling the estimated industrial insurance premiums for three months when the employer first commences or resumes a covered business.

Votes on Final Passage:

House	96	0	
Senate	46	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 28, 1991

SHB 1208

C 131 L 91

Authorizing an interstate forest fire suppression compact.

By House Committee on Human Services (originally sponsored by Representatives Belcher, Hargrove, Jones, Beck, Winsley, Nealey, R. King and Haugen; by request of Department of Corrections).

House Committee on Human Services
Senate Committee on Law & Justice

Background: The Department of Corrections does not have the authority to transport any offender in its custody across the state boundary without an approved extrication. No interstate agreements currently exist that allow other adjoining states to transport their inmates into Washington without an extradition.

These restrictions pose some difficulties for the Department of Corrections. Unexpected road closures create delays in transporting inmates, even though other out-of-state routes are accessible and available, and could save valuable time if used. Inmate fire fighting crews cannot be used in other adjoining states, and state boundaries cannot be crossed to access a very remote in-state forest fire.

The department has a forest fire suppression training program for inmates. The program has approximately 430 inmates available to work on fire crews. Washington, Oregon, and Idaho each rely on prison inmates to provide fire fighting assistance within their respective states in the event they are called upon. Forest fires in Washington, Oregon, and Idaho federal and state lands are a common occurrence. Some forest fires are intense enough to require fire fighting personnel beyond the states' existing capabilities. Inmate forest fire suppression crews, however, do not work on forest fires outside their respective states or on federal lands. Budget cutbacks in federal fire suppression have increased the potential need to rely on local and regional fire suppression crews.

Summary: The state of Washington is allowed to enter into an Interstate Forest Fire Suppression Compact with the states of Idaho and Oregon. The compact is valid when any two of the three states of Washington, Idaho, and Oregon have enacted the compact into law. The compact will remain binding until any one of the states sends written notice of its intent to withdraw.

The compact gives the Department of Corrections authority to transport offenders to the party states for fire suppression efforts and in emergency situations due to weather or road conditions.

The Department of Corrections must appoint a liaison to coordinate and develop the inmate fire suppression units. Inmates working on forest fire suppression in other states will be under the jurisdiction of the sending state, unless the inmate has escaped. If the inmate has escaped, he/she will be under the jurisdiction of both the sending state and the receiving state. Inmates suspected of a criminal offense while working in another state, will be returned to the sending state only if they are discharged from prosecution or other form of proceeding, imprisonment, or detention from the offense.

The inmate forest fire crews may be a Class I Correctional Industries program when fighting forest fires on federal lands. This designation permits the Department of Corrections to contract with the federal government to fight fires on federal land with state inmate forest fire suppression crews.

Votes on Final Passage:

House	98	0
Senate	44	1

Effective: July 28, 1991

ESHB 1211

C 365 L 91

Revising retirement benefits.

By House Committee on Judiciary (originally sponsored by Representatives Belcher, Hine, Silver, G. Fisher, Fraser, Winsley, Padden and Phillips).

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Ways & Means

Background: When a married couple gets divorced, vested retirement benefits are divided according to community property rules. Until 1987, the Department of Retirement Systems (DRS) was responsible for dividing the retirement benefits according to dissolution

decrees or other court orders. DRS was required under various retirement acts to make direct payments to the nonmember spouse (obligee) according to the property division in the divorce decree.

In addition to making community property divisions, the court can order spousal maintenance based upon equitable principles.

In 1987, the Legislature passed a bill that was intended to clarify the department's responsibilities when making direct payments of property divisions. The bill was also passed to create a collection mechanism for obligees whose ex-spouses were not paying court ordered spousal maintenance. The bill created a mechanism call the "mandatory benefits assignment order" (MBAO). That mechanism places responsibility upon the obligee to obtain a court order requiring the department to make specified payments to the obligee from the obligor's nonexempt disposable benefits. The obligee cannot obtain an order until the member spouse (obligor) is 15 days delinquent in an amount of $100 or more. DRS cannot withhold more than 50 percent of the obligor's periodic retirement benefits. The 50 percent cap provisions refer to the garnishment statutes, but the garnishment statutes do not cross-reference the MBAO provisions. If an obligor is subject to two or more MBAOs, DRS must apportion the nonexempt disposable benefits among the obligees equally. Obligees must substantially comply with a statutory MBAO form. DRS may collect administrative fees for processing the MBAOs. DRS is not liable to the obligor for wrongful withholding if DRS complies with the court order.

The 1987 law eliminated direct payment of a community property division. As a result, obligees no longer automatically receive the benefits they had received automatically under the prior direct benefit scheme.

The law requires DRS to notify the obligee if the obligor requests a lump sum withdrawal of accumulated contributions. The law does not provide a mechanism to legally prevent DRS from disbursing those sums to the obligor, even if the obligor intends to subvert the court order by withdrawing all the retirement benefits.

Plan I of PERS, TRS, and LEOFF, and Plan II of these systems for members with less than 10 years of service provide that death benefits go first to a named beneficiary, then to a surviving spouse or minor child, and failing either of those, to the member's legal representatives. Plan II of these retirement systems makes no provisions for the disposition of accumulated contributions if a member with more than 10 years of service is not survived by a spouse or minor child.

A full-time teacher who is determined by DRS to be permanently disabled, has the option of then 1) receiving all of the teacher's accumulated contributions in a lump sum, or 2) accepting a retirement allowance based on age or service if eligible, or 3) accepting a retirement allowance based on disability if the teacher has been in service five or more years.

The fire fighter retirement system has a definition of "surviving spouse" that means the surviving widow or widower of a member. The term excludes the divorced spouse of a member. The definition is no longer necessary for members who establish membership in the retirement system after September 30, 1977.

Summary: The Department of Retirement Systems (DRS) is required to make direct payments of court ordered community property divisions of retirement benefits to the ex-spouses (obligees) of the retirement system members (obligors). The obligee spouse may still obtain a mandatory assignment of benefits order (MBAO) to enforce collection of delinquent spousal maintenance. The provisions governing each mechanism are separated to reduce confusion. When a dissolution action is pending, a potential obligee may obtain an order restraining DRS from disbursing funds to the obligor until a court rules on the appropriate distribution between the parties.

Mandatory assignment of benefits orders (MBAO) amendments: In calculating an obligor's disposable benefits, DRS may not consider any withholding that is elective to the obligor. The term "disposable benefits" is amended accordingly. DRS may withhold elective withholdings after deducting the amount due the obligee under the MBAO. The 50 percent cap on withdrawing funds to satisfy the MBAO is clarified to distinguish it from garnishments. The garnishment statute is amended to reflect that garnishments for spousal maintenance have a 50 percent cap. If the obligor's retirement benefits are subject to two or more MBAOs, DRS must apportion the various amounts proportionately. Any obligee may seek a court order reapportioning the division upon notice to all parties. The court order form in the statute must be used. Obligees may no longer just substantially follow the form. Any funds DRS collects from the fee for processing MBAOs will be placed in DRS' expense account. If DRS complies with a court order, DRS will not be liable to the obligee for wrongful withholding.

Direct payment of community property divisions of retirement benefits: The court may not order DRS to pay more than 75 percent of the periodic retirement benefits to the obligee. DRS must notify obligees who obtained divorce decrees after the 1987 act's effective date, but before this act's effective date, that obligees may receive direct payment of retirement benefits if their court orders comply or are modified to comply with this act's requirements. Obligees must obtain court

orders that comply with specific language necessary for DRS to adequately administer the orders or DRS will not have to comply with the orders. DRS may collect up to a $75 setup fee and may charge $6 for subsequent disbursements. The obligor and obligee will share the fee equally. Money collected will be deposited in DRS' expense fund. Benefits cease upon the obligor's death except that the obligee may obtain a lump sum death benefit. If allowed under federal confidentiality laws, DRS must provide the obligee spouse with timely information about the account so the obligee can comply with federal tax requirements. Several technical and procedural sections and definitions are created to enable DRS to effectively administer the act. DRS will not be liable to the obligor or obligee for wrongful withholding if DRS complies with the court order. The provisions apply to divorces, legal separations, and annulments.

The accumulated contributions of a member with more than 10 years of service in PERS, TRS, or LEOFF Plan II go to the member's named beneficiary or the member's legal representatives if the member is not survived by a spouse or minor child.

Disabled teacher's options for retirement benefits: The provisions that govern when a disabled teacher has the option of receiving retirement benefits is extended to all teachers employed under an annual contract, not just full-time teachers. That provision applies prospectively. In addition, teachers who were under an annual half-time contract during September 1, 1986 through August 31, 1987 are also eligible for those options. That provision applies retroactively.

Definition of surviving spouse: The definition of "surviving spouse" in the fire fighters' retirement system is amended to mean persons or ex-spouses who established membership in the retirement system on or before September 30, 1977 if the couple was married for at least 30 years, the divorce decree is currently in effect, and the decree or order was entered after the member's retirement and prior to December 31, 1979. The amendment applies retroactively.

Votes on Final Passage:

House	93	5	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

ESHB 1214

C 249 L 91

Providing for one hundred percent cash out for accumulated sick leave.

By House Committee on State Government (originally sponsored by Representatives Anderson, Spanel, Fraser, R. Johnson and Riley).

House Committee on State Government
House Committee on Appropriations
Senate Committee on Ways & Means

Background: The State operates a sick leave cash out program for state employees. Employees may receive compensation for sick leave in two ways. First, every January a state employee has the option of cashing in sick leave days earned in the previous year, as long as the employee's sick leave balance does not fall below 60 days. Reimbursement for sick leave is at a rate of one day's pay for four days of sick leave. Second, at the time of separation from state service due to retirement or death, an employee or the employee's estate receives reimbursement for sick leave at a rate of one day's pay for four days of accrued sick leave. Payment received for sick leave at the time of separation from service is not included in computing retirement benefits. No employee may receive compensation for any portion of sick leave accumulated at a rate in excess of one day per month.

In recent years, Voluntary Employee Beneficiary Associations (VEBAs) have been increasingly used by employers and employees to obtain federal income tax advantages. VEBAs can provide a way for an employee to pay for medical insurance premiums and other medical expenses. Under certain circumstances, the following are not subject to federal taxes: an employer's payments into a VEBA medical plan, the earnings of the VEBA, and payments from the VEBA to employees as reimbursement for medical expenses.

Summary: In lieu of cash remuneration for sick leave, the State may use equivalent funds for a medical benefits plan to be used by eligible employees for reimbursement of medical expenses. The Committee for Deferred Compensation is authorized to develop such a medical reimbursement plan. The committee may offer and administer the plan only if (1) each employee has a choice either to receive the cash-out for sick leave or have equivalent funds placed into the benefits plan, and (2) a favorable opinion is received from the Internal Revenue Service indicating that employees incur no federal income tax liability on the funds placed in the benefits plan.

Votes on Final Passage:

House	98	0	
Senate	47	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 28, 1991

SHB 1222

C 228 L 91

Placing the responsibility for the formation of school directors' districts with the districts' boards of directors.

By House Committee on Education (originally sponsored by Representatives Betrozoff, Peery, Brumsickle, G. Fisher, Brough, Holland, Paris, Broback, Nealey and Orr).

House Committee on Education
Senate Committee on Education

Background: There is a question about the correlation between the school director district laws and the census laws regarding the procedure to be followed in redividing school director districts after a census has been taken. Under the school director district laws, the regional committee of each educational service district plays a decisive role in dividing or redividing director districts. Under the census law, the school boards have the authority to redivide the director districts. The issue is whether it is the school board or the regional committee which has the authority to divide or redivide director districts.

Current law prohibits more than two directors from residing within the boundaries of a director district in second class school districts which maintain a system allowing members of the board of directors to be elected from a combination of three director districts and two director at-large districts.

Summary: The school board of each school district is given the responsibility and authority to divide or redivide director districts no later than eight months after any of the following:

(1) receipt of federal decennial census data from the redistricting commission;

(2) consolidation of two or more districts into one district;

(3) transfer of territory to or from the district;

(4) annexation of territory to or from the district; or

(5) approval by a majority of the registered voters voting on a proposition authorizing the division of school districts not already divided into directors' districts.

All divisions and redivisions must be done in accordance with the legal procedure and criteria for redistricting.

District boundary changes, including changes in director district boundaries, must be submitted to the county auditor within 30 days after the changes have been approved by the school district board of directors. Any boundary changes submitted to the county auditor after the fourth Monday in June of odd-numbered years shall not take effect until the following year.

The statute which prohibits more than two directors from residing within a director district in second class school districts in which the directors are elected from a combination of three director districts and two at-large districts is repealed.

Votes on Final Passage:

House	98	0	
Senate	44	0	(Senate amended)
House	96	0	(House concurred)

Effective: May 20, 1991

HB 1224

C 114 L 91

Changing provisions relating to school district indebtedness.

By Representatives H. Sommers, Brough, G. Fisher and Phillips.

House Committee on Education
Senate Committee on Education

Background: State law permits school districts to purchase any real or personal property through conditional sales contracts within the three-eighths of 1 percent non-voter debt limit. The use of contracts is common for the purchase of buses, portable buildings, and office equipment. Often the equipment vendors sell the tax-exempt contracts to leasing companies or local banks. Interest rates on such contracts often are significantly higher than current tax-exempt rates on local government bonds and notes. In order to gain access to the lower interest rates available in the tax-exempt bond market, and because changes in federal tax laws make banks less willing to purchase the tax-exempt conditional sales contracts, districts in recent years have arranged for the division of such contracts into $5,000 pieces for sale on the bond market. These "certificates of participation" in conditional sales contracts are quite common nationally and are treated like non-voter limited tax general obligation bonds.

Although the interest rates on certificates of participation in school district contracts are attractive, the number of steps involved in their issuance and the extensive documentation required by securities laws make them expensive. It has been suggested that school districts be given clear authority to borrow directly

through the issuance of bonds, as an alternative to the more costly conditional sales contracts.

Summary: School districts are permitted to issue limited tax general obligation bonds for the purchase of real and personal property without a vote of the people. The bonds are subject to the existing debt limits in state law. The bond proceeds must be deposited in the districts' capital fund, transportation fund, or the general fund, as applicable. The authorized use of the transportation fund is expanded to include payments on bonds issued for pupil transportation vehicles.

Votes on Final Passage:

House	98	0
Senate	29	19

Effective: July 28, 1991

EHB 1228

C 85 L 91

Managing state government receivables.

By Representatives Brumsickle, Wang, Holland and Paris; by request of Office of Financial Management.

House Committee on Revenue
Senate Committee on Ways & Means

Background: State agencies have several tools for collecting debts owed to the state. Such debts are commonly referred to as "receivables." Several agencies, including the Department of Revenue (DOR), the Department of Social and Health Services (DSHS), and Employment Security (ES) may assess interest on debts paid late. DOR charges interest at the rate of 9 percent per year on late payment of taxes, while DSHS and ES charge interest of 1 percent per month on their receivables. These agencies often assess penalties in addition to the interest. State agencies may also inform credit reporting agencies of receivables that are past-due when such reporting is cost-effective and does not violate confidentiality.

Summary: Except as otherwise provided by statute, state agencies may assess interest at the rate of 1 percent per month on receivables, starting from the date the receivables are due. State agencies may inform credit reporting agencies of debts owed to the state before such receivables are due.

EHB 1228 applies only to debts that become due on or after the effective date of the bill.

Votes on Final Passage:

House	96	0
Senate	46	1

Effective: July 28, 1991

ESHB 1231

PARTIAL VETO

C 15 L 91 E1

Relating to the transportation budget.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, R. Meyers, Betrozoff and Paris; by request of Office of Financial Management).

House Committee on Transportation
Senate Committee on Transportation

Background: The Legislature must make biennial appropriations for each agency's operating budget and capital improvements. The transportation budget provides funding for the agencies and programs supported by transportation revenues.

Summary: The state transportation agencies' Omnibus Capital and Operating Appropriations Act for the 1991-93 fiscal biennium is enacted. The total appropriation for transportation agencies is $2,552,114. For the Department of Transportation, the appropriation provides $15 million additional funding for HOV lane construction along with enhancements in the programs for highway preservatory bridges and capacity improvements. New funding was included for Amtrack and rail preservation, and environmental projects as well as planning and support for local governments.

The Washington State Patrol received an additional 60 troopers and the Safety Education Program ("Trooper Bob") was funded for the first fiscal year of the 1991-93 biennium.

The Traffic Safety Commission received an appropriation of $900,000 to continue the DWI task forces. The Department of Financing will be able to increase staffing at the driver examination offices.

Votes on Final Passage:

House	93	2	
Senate	38	8	(Senate amended)
House			(House refused to concur)
First Special Session			
House	93	0	
Senate	39	1	(Senate amended)
House	90	1	(House concurred)

Effective: July 1, 1991

Partial Veto Summary: The governor vetoed several provisos in the budget bill. Among those vetoed was one which eliminated language which would have reduced the number of occupants in vehicles using High Occupancy Vehicle (HOV) lanes from three to two. (See VETO MESSAGE)

SHB 1243

PARTIAL VETO

C 259 L 91

Requiring teaching experience for teacher educators.

By House Committee on Education (originally sponsored by Representatives Fuhrman, G. Fisher, Wood, Brekke, Neher, Cole, Silver, Jones, Holland, Peery, Fraser, Brumsickle, Bowman, Moyer, May, Dorn, Pruitt, Belcher, Valle, Heavey, McLean, Chandler, Ferguson, Hochstatter, Padden, Brough, Paris, Winsley, Morton, Mielke, Rayburn, Vance, Forner, P. Johnson, Wynne, Betrozoff, Hargrove, Van Luven, D. Sommers, Edmondson, Miller, Bray, Basich, Mitchell and Tate).

House Committee on Education
Senate Committee on Education

Background: Recent studies and strategies for improving the nation's education system have emphasized the need to improve teacher preparation programs. With this in mind, some suggest it would be beneficial for professors in teacher education programs to spend additional time in K-12 classrooms.

Summary: State college and university educator preparation programs shall annually develop and implement a plan to increase the level of collaboration and interaction between the program's faculty and K-12 schools in the state. The plan shall require, to the maximum extent feasible, that each member of the faculty annually provide instruction in K-12 classrooms.

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House			(House concurred in part)
Senate			(Senate receded in part)
Senate	47	0	

Effective: July 28, 1991

Partial Veto Summary: The section that would have required colleges and universities to adopt salary policies to ensure that faculty who teach in K-12 classrooms be appropriately rewarded is vetoed. (See VETO MESSAGE)

EHB 1244

C 34 L 91

Requiring a study by the legislative budget committee of employer avoidance of industrial insurance premiums and unemployment compensation contributions.

By Representatives Heavey, Cole, R. King, Winsley, Jones, Prentice, O'Brien, R. Meyers, Ebersole and Rasmussen.

House Committee on Commerce & Labor
Senate Committee on Commerce & Labor

Background: Both unemployment insurance and industrial insurance law exempt certain construction and electrical contractors from mandatory coverage.

Under unemployment insurance provisions, "employment" does not include services performed by a registered contractor if (1) the contractor is performing work for another registered contractor; (2) the contractor has a principal place of business that is eligible for federal tax deductions as a business; (3) the contractor maintains a separate set of books for the business; (4) the work being performed is contractor work; and (5) the contractor's work is not supervised or controlled by any other contractor.

The exemption of a registered contractor from the definition of "worker" for purposes of industrial insurance coverage is substantially the same as the exclusion under unemployment insurance law.

Summary: The Employment Security Department and the Department of Labor and Industries are directed to investigate the practice by some construction contractors of avoiding employer obligations under industrial insurance and unemployment insurance by requiring employees to be registered contractors. A report on the extent of the practice and the loss of revenue to the state, and any recommendations, must be submitted to the Legislature by December 1, 1991.

Votes on Final Passage:

House	97	0
Senate	41	0

Effective: July 28, 1991

HB 1262

C 276 L 91

Lessening emergency service tow truck restrictions.

By Representatives Zellinsky, Lisk, R. Meyers, Van Luven, Ferguson, Prentice, Chandler, Orr, Bowman, Prince, Day, Cooper, R. Fisher, Betrozoff, Cantwell, Forner, Paris, Wilson, P. Johnson, Fuhrman, Winsley, Hochstatter, Nealey, Wynne, D. Sommers, Broback, Wood, Morton, Horn, Mielke, Brough, Miller, Jacobsen and Silver.

House Committee on Transportation
Senate Committee on Transportation

Background: The Department of Transportation (DOT) is responsible for the issuance of overdimensional and overweight permits to vehicles that exceed the otherwise applicable legal weight, height, length and width limits. By policy, when a tow truck operator removes a disabled overweight or overdimensional vehicle from a public highway, the initial move may be made without first having obtained the proper permits.

If the vehicle is over 34,000 pounds and up to 43,000 pounds on a tandem axle and is a non-reducible load, a DOT-issued permit must be obtained before the vehicle can be transported to its final destination. To expedite the permitting process for a tow truck operator's subsequent move, the DOT and Washington State Patrol have agreed to issue overweight permits by telephone for weights between 34,000 and 43,000 pounds on the rear tandem axle. A permit number is given to the tow truck operator that is carried in the vehicle. After the move is completed, the tow truck operator pays the DOT permit fee.

For non-reducible load tandem axle weights over 43,000 pounds, application must be made to the DOT specifying the proposed routes to be used. The DOT then determines if the movement can be made without damage to the highway and bridge structures. The DOT may accept, modify or deny the proposed route after review by its Bridge Division.

Summary: A tow truck performing an initial tow of a disabled vehicle is not subject to statutory height, length, axle loading and spacing limits.

A tow truck operator must obtain any necessary overweight permit before moving a vehicle. The Department of Transportation must provide overweight vehicle permitting service by telephone on a 24-hour basis.

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House	95	1	(House concurred)

Effective: July 28, 1991

HB 1263

C 115 L 91

Eliminating the citizenship requirement for teachers.

By Representatives Peery, Cole, Dorn and Holland.

House Committee on Education
Senate Committee on Education

Background: To be eligible for a standard teaching certificate in Washington, a person must either be a U.S. citizen or have declared his or her intent to become a U.S. citizen. Some noncitizens are unable to meet this requirement due to a conflict created by the interaction of federal and state law.

Under federal law, noncitizens can file a declaration of intent to become a U.S. citizen only if they have residency status (a "green card"). Noncitizens qualify for residency status in a variety of ways. One way is to have a job arranged for which no qualified U.S. citizen is available. Other ways of qualifying for residency status include the determination that one is a refugee, or having a U.S. citizen who is a relative petition on behalf of the noncitizen. Under federal law, a noncitizen who wants to obtain residency status by arranging a teaching job must be certified as a teacher by the state.

Therefore, under federal law, noncitizens can not obtain residency status and file a declaration of intent under the arranged job alternative until after they are certified to teach by the state in which they wish to teach. However, under Washington law, noncitizens can not become certified until they have filed their declaration of intent. As a result, some noncitizens are unable to meet either the federal or Washington law requirements and can not teach in Washington until they become citizens. Additionally, the federal declaration of intent form is no longer required for federal immigration purposes and is becoming obsolete.

Washington law does allow noncitizens to obtain a limited certificate to teach foreign language or to participate in a teacher exchange program in Washington schools without declaration of an intent to become a U.S. citizen.

Summary: The citizenship requirement for teachers is eliminated.

Votes on Final Passage:

House	93	0	
Senate	40	6	(Senate amended)
House	96	0	(House concurred)

Effective: May 9, 1991

HB 1264

C 116 L 91

Making technical changes to the education code.

By Representatives Peery, Brough, G. Fisher, Vance, Rasmussen, Brumsickle, Roland, Valle, Phillips, Cole, P. Johnson, Jones, Holland, Neher, Broback, Paris, Betrozoff and Basich.

House Committee on Education
Senate Committee on Education

Background: During the last year, representatives from various education groups reviewed the K-12 Education Code to identify sections they considered to be unenforceable, minor in nature, or no longer relevant for one reason or another. Examples include removing references to studies that have been completed, making minor changes to simplify procedures, and repealing sections that only encourage activities without creating any legal mandate.

A draft of the proposed legislation was widely circulated, and significant modifications were made as a result of comments received.

Summary:

Sec. 1 - Procedures for disposing of surplus textbooks and equipment are changed. Instead of sending a notice to the Superintendent of Public Instruction, school districts disposing of surplus textbooks and equipment are required to publish a notice in a newspaper of general circulation within the school district. The waiting period for disposal of the property is reduced from 45 days to 30 days after the notice is published.

Sec. 2 - Provisions requiring the Superintendent of Public Instruction to hold an annual convention of the educational service districts are eliminated.

The Superintendent of Public Instruction is given more flexibility in the formatting of reports when he/she requires districts to submit reports.

Sec. 3 - A statement regarding school district administrative costs is eliminated because it has no legal effect.

Sec. 4 - A provision regarding the use of curriculum-based assessment is eliminated because the study has been completed.

Sec. 5 - Home-schooled children are allowed to take the General Educational Development (GED) Test between the ages of 15 and 19.

Sec. 6 - Terminology relating to alcohol and drug abuse is corrected.

Sec. 7 - Language requiring the study of U.S. and Washington state history are eliminated since these requirements are included in the high school graduation requirements listed elsewhere in statute.

Sec. 8 - The state Board of Education may adopt rules allowing work or experience to fulfill in whole or in part requirements for graduation.

Sec. 9 - A district may offer joint programs with an other school district or a community college to provide programs which meet the entrance requirements of baccalaureate granting institutions in the state.

Sec. 10 - Obsolete student/teacher ratio provisions are eliminated.

Sec. 11 - Obsolete requirements that the state board prepare and conduct examinations are repealed.

Sec. 12 - Districts are allowed to use a notice of desire to rent or lease real property, with a total value of $10,000 or more, in a newspaper of general circulation within the district instead of notifying the Superintendent of Public Instruction.

Sec. 13 - Districts are allowed to use a notice of desire to sell real property in a newspaper of general circulation within the district instead of notifying the Superintendent of Public Instruction.

Sec. 14 - The duty of the superintendent of each district to conduct a census in May of each year to determine the number of children ages 4 through 20 residing in the district is eliminated. A requirement that educational service districts file an annual report is eliminated.

Sec. 15 & 16 - Language that limits the use of noncertificated staff to supervise noninstructional activities during lunch periods is eliminated. A new section is added making clear that noncertificated personnel can supervise school children in noninstructional activities and in instructional activities while under the supervision of a certificated employee.

Sec. 17 - Provisions that allow electors of first class school districts to vote on whether free textbooks will be provided are eliminated. No such power exists for second class districts.

Sec. 18 - Classified as well as certificated staff may use payroll deductions.

Sec. 19 - Language referring to a reporting requirement for the Teacher Assistance Program that has already been completed is eliminated.

Sec. 20 - Reference to the Washington Precollege Test in the entrance requirements for teacher preparation programs is removed.

Sec. 21 - The title of the examination of teachers prior to certification is changed from an "exit exam" to an "admission to practice" exam.

Sec. 22 & 23 - Reference to the Washington Precollege Test as a measure of student performance for the Washington State Honors Program is removed.

Sec. 24 - REPEALERS. The following sections are repealed:

(1-7) - RCW 28A.26.010 through 28A.26.900 - This chapter, requiring students to attend the nearest school, was ruled unconstitutional by the Washington Supreme Court and cannot be enforced.

(8) - RCW 28A.150.090 - The definition of commonly-used schoolhouse door is repealed.

(9) - RCW 28A.150.430 - The provision for paying districts the estimated amount of property tax that has not been collected is repealed because it is no longer done.

(10-12) - RCW 28A.155.110 through .130 - Provisions for the Learning Disabilities Program are repealed because the program no longer exists. Subsequent requirements for screening and programs for preschool and school aged handicapped children have replaced it.

(13) - RCW 28A.230.200 - Language that encourages but does not require testing of students in grades 8 through 11 to identify deficits is repealed.

(14) - RCW 28A.305.180 - The provision for the merging of library and media services into a learning resource center is repealed. This has proven to be an impossible task with no clear goal to be achieved by the merger.

(15) - RCW 28A.310.450 - The provision for environmental education centers is repealed because they have been transferred to the educational service districts.

(16) - RCW 28A.310.900 - The change in definition is repealed because the transition has been made to educational service districts.

(17) - RCW 28A.320.220 - Language is repealed because it encourages districts to develop goals, but creates no legal duty.

(18) - RCW 28A.410.130 - The provision for assessing a penalty for false reporting of attendance is repealed since attendance is no longer kept in this manner.

(19) - RCW 28A.410.900 - A provision is repealed allowing certification that no longer is applicable based on the special time requirements under the 1978 provisions.

(20) - RCW 28A.505.190 - The provision is repealed because it only encourages the preparation of a school district budget, but does not create a legal duty to do so.

(21-29) - RCW 28A.525.100 through .116 - Repeal of these sections removes provisions relating to a 1965 bond issue that has been retired.

(30) - RCW 28A.550.010 - The provision is repealed because this method of funding is no longer used.

(31-34) - RCW 28A.615.010 through .040 - Provisions regarding school involvement programs are repealed because the provisions encourage but create no legal obligation on the part of the school districts and the Superintendent of Public Instruction. Other provisions have been completed.

(35) - RCW 28A.630.310 - Language is repealed because the report and recommendations of the Advisory Committee on International Education have been completed.

(36) - RCW 28A.630.340 - The language is repealed because the report on the International Education Grant Program will be completed by the beginning of the 1991 session.

Votes on Final Passage:

House	95	0
Senate	43	0

Effective: July 28, 1991

SHB 1265

C 132 L 91

Restricting subdivision alterations that diminish dedications.

By House Committee on Local Government (originally sponsored by Representatives Valle, Heavey and Scott).

House Committee on Local Government
Senate Committee on Governmental Operations

Background: The Subdivision and Platting Act requires the review and approval of each division of land by the county, city, or town that has planning jurisdiction over the land if the smallest resulting lot is less than five acres. Certain divisions are exempted from review or are subject to a review procedure differing from the normal subdivision review procedures.

The county, city, or town governing body must determine the public use and interest in the proposed alteration as part of its review process. Where the alteration contains a dedication to the general use of persons residing within the subdivision, the dedicated land may be altered and divided equitably between adjacent property owners.

The 1987 law does not describe how, if at all, a common area can be affected if undivided interests in the common area are held by the owners of each lot in a subdivision.

Summary: Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owners, unless the document creating the easement provides otherwise.

Votes on Final Passage:
House 97 0
Senate 42 0

Effective: July 28, 1991

HB 1267
C 10 L 91

Authorizing the board of natural resources to reconvey lands leased to counties used for sanitary landfills.

By Representatives Holland, Scott, Beck, Valle, Winsley and Wynne; by request of Department of Natural Resources.

House Committee on Natural Resources & Parks
Senate Committee on Environment & Natural Resources

Background: Currently, the Department of Natural Resources may acquire county lands that are suitable as state forest lands. The department has acquired deeds from several counties for such lands. The lands are held in trust, protected, managed and administered by the department. Some of those lands are leased back to the counties for use as sanitary landfills or transfer stations.

Several counties have expressed an interest in regaining ownership of forest lands which are currently leased by the counties for use as sanitary landfills. The Department of Natural Resources does not have specific legislative authority to reconvey forest lands to the counties. Reconveyance of forest lands back to a county is only allowed if the land is needed by the county for public park use in accordance with county and state outdoor recreation plans.

Counties which could be impacted by an additional reconveyance provision are King, Clallam, Mason and Snohomish. The landfills on forest lands located in those counties are Cedar Hill, Blue Mountain, Belfair and Darrington, respectively.

Summary: The Department of Natural Resources may reconvey forest lands which have been leased for use as a sanitary landfill or transfer station back to a county. The land will be reconveyed with a quitclaim deed. A county will indemnify the state from any liability that arises related to the reconveyed land.

Votes on Final Passage:
House 91 3
Senate 44 0

Effective: July 28, 1991

SHB 1268
C 343 L 91

Changing provisions relating to retirement service credit.

By House Committee on Appropriations (originally sponsored by Representatives Spanel, Silver, Hine, Forner, Paris, May, P. Johnson, Winsley, Zellinsky, Hochstatter, Nealey, Wynne, Edmondson, Bowman, D. Sommers, Brumsickle, Betrozoff, Wood, Miller, Ballard, Tate, McLean, Jacobsen, Nelson, Jones, Wineberry, Pruitt, Dellwo, R. Johnson, Ogden, Bray, Roland and Basich; by request of Joint Committee on Pension Policy).

House Committee on Appropriations
Senate Committee on Ways & Means

Background: Treatment of retirement benefits for employees who work less than full time varies among the different state retirement systems. Responding to a 1989 House Floor Resolution, the Joint Committee on Pension Policy recommended changes in eligibility and credit provisions in the various systems, to make them more consistent with each other and to provide service credit commensurate with the time an employee works and with the contributions an employee makes to a pension fund. The pension systems addressed by the Joint Committee include the Public Employees' Retirement System, Plans I and II (PERS I and PERS II); the Teachers' Retirement System, Plans I and II (TRS I and TRS II); and the Law Enforcement Officers' and Fire Fighters' Retirement System, Plans I and II (LEOFF I and LEOFF II).

Under LEOFF I and II and TRS I, there is no definition of an eligible position, although in LEOFF, uniformed personnel must be employed full time in order to be eligible for membership. Under PERS I and II, an eligible position is one that normally requires compensation in five or more months in a year. Under TRS II an eligible position is one that normally requires two or more uninterrupted months of creditable service during the school year.

One of the major factors affecting a member's ultimate retirement allowance is the amount of service credit granted. Under LEOFF I an employee must be employed full time in order to be a member. Therefore, only full service credit may be granted.

Under TRS I, one year of service credit is granted when compensation is received for teaching four-fifths or more of a school year, or 144 days of the 180-day period. Fractional-year credit is given when compensation is received for teaching more than 20 days but fewer than 144 days in the school year.

Except for classified employees of the common schools, Educational Service Districts (ESDs), higher education including community colleges, the School for the Blind, and the School for the Deaf, PERS I members in an eligible position who are compensated for at least 70 hours in a month are granted one month's service credit. The PERS I excepted educational classified employees in eligible positions receive 12 months of service credit when they work 70 hours per month or more during nine months in the school year. Otherwise, they are granted one month of service credit if they are compensated for 70 or more hours in a month.

LEOFF II and PERS II members, other than the excepted educational classified employees, and TRS II members are granted one month's service credit when they are compensated for 90 or more hours in a month. Under PERS II and TRS II, the member must be in an eligible position. TRS II members and substitute teachers and PERS II members who are excepted educational classified employees receive 12 months of service credit when they are compensated for 810 or more hours during nine months of the school year. Otherwise, they are granted one month of service credit if they earn compensation for 90 or more hours in a month.

Substitute teachers receive service credit retrospectively. At the completion of the school year, these substitutes may provide the Department of Retirement Systems (DRS) proof of their compensation to meet the requirements of either Plan I (four-fifths of a school year for full credit, or more than 20 days but fewer than 144 days per school year for partial service credit), or Plan II (12 months service credit if compensated for 810 hours or more during nine months of the school year, or one month's service credit if compensated for 90 or more hours in a month).

Certificated employees who are members of TRS II are required to make contributions monthly. Prior to January 1, 1988, these employees were required to make contributions even if they did not work enough hours to receive service credit. This resulted in continual withdrawal of contributions by those members.

Since January 1, 1987, only persons who work either 70 or more hours per month in an eligible position within PERS I or 90 or more hours per month in PERS II and TRS II are required to make contributions to their retirement system. The implementation of this provision, however, is difficult primarily because of twice-monthly payrolls. Consequently, a number of employees who were eligible to receive credit have not in fact received it, while others have contributed when they were not in fact eligible.

Summary: For the purposes of the state retirement system, a service credit month means a month or an accumulation of fractional months of service credit which is equal to one. A service credit year is an accumulation of service credit months which is equal to one when divided by 12.

An eligible position in TRS II is one in which the certificated employee is expected to receive compensation during five months of the school year.

Except for classified employees of the common schools, Educational Service Districts (ESDs), higher education including community colleges, the School for the Blind, or the School for the Deaf, a member of PERS I in an eligible position who is compensated for 70 or more hours in a month earns a month of service credit. A similar member of PERS I who is compensated for fewer than 70 hours per month earns a service credit of one-quarter month. The excepted educational classified employees who are PERS I members in eligible positions earn 12 months of service credits when they are compensated for at least 630 hours during the school year.

Educational classified employees under PERS II or a member of TRS II in an eligible position and compensated for 810 or more hours in five months of the school year earn one month of service credit. Members who are compensated for at least 630 hours but fewer than 810 hours in five months of the school earn one-half month of service credit.

All other members of Plan II of LEOFF, PERS and TRS in eligible positions and compensated for 90 or more hours in a month earn one month of service credit. If they receive compensation for at least 70 hours but fewer than 90 hours per month, they earn one-half month of service credit. If they receive compensation for less than 70 hours per month, they earn one-quarter month of service credit.

Substitute teachers may earn service credit in TRS I and TRS II in the same manner if they opt to apply to DRS at the end of the school year for such service and pay the necessary employee contributions.

Normal retirement in Plan II requires at least five years of service credit and attainment of age 58 in LEOFF and age 65 in PERS and TRS. Early retirement requires at least 20 years of service credit and attainment of age 50 in LEOFF and age 55 in PERS and TRS.

DRS must credit at least one-half month of service credit for each month of a school year from October 1, 1977, through December 31, 1986, to a member of

TRS II who was employed by an employer and made contributions under a contract for half-time employment as determined by DRS for such school year. Any withdrawn contributions must be restored.

DRS must provide a remedial procedure for the return of contributions to members of LEOFF Plan II, PERS I and II, and TRS II for whom contributions were erroneously made.

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Senate	46	2	(Senate receded)

Effective: September 1, 1991
July 1, 1991 (Sections 12 and 13)

SHB 1270

C 35 L 91

Reorganizing the statutes governing the state's retirement system.

By House Committee on Appropriations (originally sponsored by Representatives Spanel, Silver, Hine, Paris, May, P. Johnson, Winsley, Hochstatter, Nealey, Wynne, Edmondson, Bowman, D. Sommers, Betrozoff, Wood, Horn, Miller, Ballard, McLean and Basich).

House Committee on Appropriations
Senate Committee on Ways & Means

Background: The State administers and funds six retirement systems: Judges' Retirement System, Judicial Retirement System (JRS), Law Enforcement Officers' and Fire Fighters Retirement System (LEOFF), Teachers' Retirement System (TRS), Public Employees' Retirement System (PERS), and Washington State Patrol Retirement System (WSPRS). Of these, the three major systems--LEOFF, TRS and PERS--contain the vast majority of the total membership. LEOFF was initiated in 1970; TRS was initiated in 1937; and PERS was initiated in 1947. There are 57 sections in the Revised Code of Washington (RCW) pertaining to LEOFF and 109 sections, each, dealing with TRS and PERS, respectively.

When these systems were initiated, their administration was conducted by independent boards of trustees. Also, these boards were responsible for the investment of the funds they held in trust. In 1976, however, these boards were essentially preempted by the creation of the Department of Retirement Systems (DRS). At that time, the Administration of Retirement Systems was centralized into the DRS, an executive agency of government. By 1981, the State Investment Board was created to invest trust and other funds held in state government.

A major revision occurred in 1977, with the creation of Plan II within the three major systems. This resulted in language and provisions unique to Plan I, unique to Plan II, or applicable to both plans. Some of this language is intertwined within sections or chapters of law.

Over time many provisions were enacted providing benefits that were applicable only within a specific time frame or that have become obsolete.

The Joint Committee on Pension Policy undertook to reorganize and update the many sections within the RCW relating to the various pension systems.

Summary: The bill makes no substantive changes in the law. It organizes the respective chapters dealing with LEOFF, TRS and PERS according to sections applicable to both Plan I and II within each system, sections applicable solely to Plan I, and sections applicable solely to Plan II. It decodifies or repeals obsolete statutes. It updates references to the defunct retirement boards to refer to DRS or the Director, DRS. It makes references gender-neutral. It recodifies administrative provisions under DRS statutes. The bill provides that there is no intent to make substantive changes in the meaning, interpretation, court construction, or constitutionality of any provision of any retirement system addressed. The bill is stated to be technical in nature and is not to have the effect of terminating or in any way modifying any rights, proceedings, or liabilities, civil or criminal, that exist on the effective date.

Votes on Final Passage:

House	98	0
Senate	41	0

Effective: July 28, 1991

SHB 1274

C 141 L 91

Adjusting provisions relating to street utilities.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher and Schmidt).

House Committee on Transportation
Senate Committee on Transportation

Background: Last year, the Legislature authorized the formation of city street utilities to generate revenues for city street maintenance, operation and preservation. Total revenues generated by the utility may not exceed 50 percent of the actual maintenance, operation, and preservation costs.

Two classes of service are established: residential and business. Residential property charges may not ex-

ceed $2 per month per housing unit. Business charges must not exceed $2 per month per employee.

Property that is exempt from the property tax or the leasehold tax may not be charged by the street utility. The city pays the tax exempt entity's portion of the utility charge.

Concern has been raised that the city's payment of tax-exempt entity's portion of the street utility charges may violate the constitutional prohibition against lending of the state's credit, as well as constitutional doctrine regarding separation of church and state. In addition, technical issues have been raised by bond counsel.

Limitation of use of the revenues to maintenance and preservation is thought by some to be too narrow.

Summary: Technical changes are made to clarify that revenues generated by a street utility are eligible to be pledged for bonds.

Technical changes are made to ensure compliance with constitutional doctrine.

Construction is added as a permissible use of the revenues.

Votes on Final Passage:

House	98	0
Senate	41	1

Effective: May 10, 1991

EHB 1277

C 76 L 91

Continuing the geothermal account ten additional years.

By Representatives Grant, May, H. Myers, Hochstatter, Paris and Jacobsen; by request of Washington State Energy Office.

House Committee on Energy & Utilities
House Committee on Capital Facilities & Financing
Senate Committee on Energy & Utilities

Background: The State receives a portion of federal lease and royalty payments for use of federal lands in the state. Much of the money was placed in the common schools fund including money received pursuant to the federal Geothermal Steam Act of 1970.

In 1981, finding geothermal energy development to be in the public interest, the Legislature diverted the Geothermal Steam Act funds into a specially created geothermal account until June 30, 1991 for the development of geothermal energy.

Geothermal energy is still largely undeveloped in the state but is a potentially large and possibly benign indigenous energy resource. Hence, this diversion might beneficially be continued until a future date or when a substantial geothermal energy facility is built, whichever occurs first.

Summary: Federal Geothermal Steam Act funds shall continue to be placed in the Geothermal Account in the state treasury until June 30, 2001 when the geothermal account will be closed.

If 30 megawatts geothermal production is reached before June 30, 2001, deposits to the Geothermal Account will be reduced to 80 percent of the funds received under the federal act until the account is closed on June 30, 2001.

The Department of Natural Resources shall adopt state land geothermal leasing rules by December 1, 1991.

Votes on Final Passage:

House	85	1	
Senate	40	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 28, 1991

ESHB 1287

C 136 L 91

Revising provisions for adoption.

By House Committee on Human Services (originally sponsored by Representatives Heavey, Moyer, Franklin, Rayburn, Jones, May, Leonard, Tate, Hine, Ballard, Broback, Winsley, Wineberry, Anderson, Brekke, Miller, Riley, Kremen, Forner and Paris).

House Committee on Human Services
Senate Committee on Children & Family Services

Background: In 1990, the Legislature adopted Engrossed Substitute Senate Concurrent Resolution 8429. The resolution created the Washington State Adoption Commission and charged it to recommend minimum standards of practice for adoptions in Washington. The commission reviewed 11 issues relating to adoptions including: training for adoptive parents and training on cultural relevancy, the education and qualifications of adoption workers, verification of pre-birth consents, independent counsel for relinquishing parents and adopted children, forms used for mandated health information, disclosure statements regarding fees and services, standardized court rules for adoptions, state implementation of the Indian Child Welfare Act, birth father registries, medical insurance for adoptions, family leave as it relates to adoption, and advertising for adoptions.

Summary: Consent forms will contain a statement stating whether the child to be adopted is Native American or an Alaskan native. Adoption facilitators will submit

sworn statements documenting how they determined whether the federal Indian Child Welfare applies in each adoption. The signing of consent to adoption forms by birth parents and alleged fathers must be witnessed by a person who is at least 18 years of age and selected by the parent or alleged father. Persons preparing adoption preplacement reports must include a statement of the training or experience they have which enables them to discuss relevant adoption issues. The preplacement report must verify that adoptive parents were told of: the lifelong commitment of adoption; the adopted child's potential feelings of identity confusion and loss; ways to disclose the fact of adoption to children; possible questions from the child about birth parents and relatives; and the relevance of the child's racial, ethnic, and cultural heritage. After July 1, 1992, the adopted child's medical history will be provided to adoptive parents on a standardized form developed by the Department of Social and Health Services. Adoptive parents will receive information from adoption facilitators on finding and evaluating adoption therapists. If requested, adoption facilitators must provide written information on adoption procedures, practices, policies, fees, and services.

Illegally advertising children for adoption is changed from a misdemeanor to a violation of the Consumer Protection Act.

Votes on Final Passage:

House	90	1	
Senate	45	1	(Senate amended)
House	93	1	(House concurred)

Effective: July 28, 1991

HB 1299

C 213 L 91

Increasing the maximum income limits for senior citizens and retired persons' tax exemptions.

By Representatives Phillips, Holland, Wang, Horn, Fraser, Ballard, Rust, Brumsickle, Leonard, Tate, Pruitt, Haugen, May, Nelson, Bowman, O'Brien, Nealey, Heavey, D. Sommers, Belcher, Broback, Jacobsen, Ferguson, Morris, Winsley, Appelwick, Van Luven, Franklin, Wynne, H. Sommers, Neher, Wineberry, Mitchell, Ogden, Edmondson, Spanel, Forner, Casada, Wood, Mielke, P. Johnson, Kremen, Dorn, Paris, Wilson, Fuhrman, Lisk, Zellinsky, Vance, Hochstatter, Cooper, Betrozoff, Schmidt, Brough, Chandler, Miller, McLean, R. King, Jones, Silver, Dellwo, Rayburn, H. Myers, Bray, Roland, Valle, Basich, Hine, Scott and Anderson.

House Committee on Revenue
Senate Committee on Ways & Means

Background: Qualifying senior citizens and retired disabled persons are entitled to property tax relief on their principal residence under the tax exemption and deferral programs. To qualify a person must be 61 by January 1st of the year of application, or retired from employment because of a physical disability. In addition, the disposable income of the applicant's household must fall below $18,000 a year.

Disposable income is the sum of federally defined adjusted gross income and the following if not already included: capital gains, deductions for loss, depreciation, pensions and annuities, military pay and benefits, veterans benefits, social security benefits, dividends and interest income. The income of a spouse and cotenants with an ownership interest in the residence is included in disposable income. Payments for nursing home care for either spouse reduce disposable income.

Qualifying persons may choose to defer any taxes remaining after the property tax exemption. The total cumulative amount of taxes deferred may not exceed 80 percent of the owner's equity. The State pays the deferred taxes and is repaid with interest at the rate of 8 percent upon sale of the property.

Summary: The age requirement for the senior tax exemption and deferral program is reduced. The applicant must now be 61 years old by December 31st of the year of application.

The income threshold for the senior citizen property tax deferral program is increased to $30,000.

Costs for in-home care for either spouse are allowed as a deduction to income.

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House	97	0	(House concurred)

Effective: May 16, 1991

SHB 1301

C 218 L 91

Improving property tax administrative practices.

By House Committee on Revenue (originally sponsored by Representatives Wang, Holland, Fraser, Horn, Rust, Brumsickle, Leonard, Ballard, Nelson, Heavey, Haugen, Winsley, Jacobsen, May, Morris, Ferguson, Appelwick, Phillips, H. Sommers, Belcher, Locke, Pruitt, Franklin, Spanel, Van Luven, Cooper, Wineberry, H. Myers, Bray, Scott and Anderson).

House Committee on Revenue

Background: Property subject to property tax is assessed at its true and fair value. In most cases this is the

market value in the property's highest and best use. The values are set as of January 1st. These values are used for determining property bills to be collected in the following year.

County assessors establish new assessed values on a regular revaluation cycle. The length of revaluation cycles vary by county. The most common length is four years, although three and two year schedules are used by some counties. A proportionate share of the county is revalued during each year of the cycle. In most cases, individual property values are not changed during the intervening years of the revaluation cycle. The change in value for an individual property follows a stair step pattern; no change in value for three years then, in one year, a change representing four years of value growth (two or three years in case of a two or three year cycle).

Some counties are on a program of annual updates. Values are adjusted annually based on market value statistical data. In this case, a physical inspection of each property is done once every six years.

Thirteen counties update assessments annually. Two counties, King and Douglas, are on two-year revaluation cycles. The other 24 counties revalue every three or four years.

Real property appraisers employed by county assessors are required to: (1) be graduated from an accredited high school or pass a high school equivalency exam, (2) have at least one year of experience in transactions involving assessment or appraisal or real property, (3) be knowledgeable in repair and remodeling of buildings and improvements to land and the significance of location to the value of real property, and (4) be knowledgeable in the Department of Revenue's standards of real property appraisal.

No person may assess real property for tax purposes without passing an examination covering items (3) and (4). The examination is administered by the Department of Personnel and prepared with the advice of the Department of Revenue.

Summary: The Department of Revenue is directed to conduct a study of the administration of the property tax system. The study shall include an examination of the benefits and costs of moving all counties to annual assessment updates, data processing capability of county assessor offices, effectiveness of county boards of equalization, the adequacy of auditing tax relief programs, and other property tax administration problems that warrant study. The department shall report the study findings to the appropriate legislative committees by November 30, 1991.

The Department of Revenue is required to prepare a clear and succinct explanation of the property tax system including information on the assessment process, appeal rights, determination of district levy rates and available property tax relief programs. Copies are to be made available through county assessors' offices.

Property appraiser qualifications are changed. The high school graduation or equivalent requirement is eliminated. The Department of Revenue is to establish by rule additional minimum requirements for real property appraisers. The Department of Revenue is given complete responsibility for preparing and administering the examination. Also, the Department of Revenue may establish continuing education requirements for real property appraisers.

County assessors are required to report the results of sales-assessment ratio studies to the Department of Revenue. These studies shall be based on property use classes.

Votes on Final Passage:

House	71	25	
Senate	39	8	(Senate amended)
House	97	0	(House concurred)

Effective: May 16, 1991

SHB 1304

C 11 L 91

Requiring recycling at parks, marinas, and airports.

By House Committee on Environmental Affairs (originally sponsored by Representatives Valle, Horn, Rust, D. Sommers, Paris, Forner, Brekke, May and Wineberry).

House Committee on Environmental Affairs
Senate Committee on Environment & Natural Resources

Background: By rule, the Department of Ecology requires litter receptacles in a variety of places frequented by the public, including parks, campgrounds, and marinas.

Current law requires local governments to provide recycling services to the public but does not require individual facilities to provide recycling receptacles.

Summary: The State Parks and Recreation Commission must provide waste reduction and recycling information in all state parks by July 1, 1992. The commission must also provide recycling receptacles in at least 15 parks by July 1, 1993. Beginning July 1, 1995, and each biennium thereafter, the commission must provide recycling receptacles in five additional state parks until 40 state parks have recycling receptacles.

All airports, and marinas with more than 30 slips, are required to provide recycling receptacles. This re-

quirement is effective once a waste reduction and recycling element of a local solid waste plan is adopted by the city or county in which the airport or marina is located.

Recycling receptacles in state parks, marinas, and airports must collect at least two of the following materials: aluminum, glass, newspaper, plastic, and tin.

An appropriation of $25,000 is made to the State Parks and Recreation Commission from the litter control account to provide recycling receptacles and public information. An additional appropriation of $20,000 is made to the commission from the trustland purchase account for the same purpose.

Votes on Final Passage:
House 97 0
Senate 48 0

Effective: July 28, 1991

HB 1312
C 157 L 91

Changing requirements for special campaign reports.

By Representatives Wang, McLean and Anderson.

House Committee on State Government
Senate Committee on Law & Justice

Background: The state's public disclosure law requires political committees and candidates to report their campaign contributions and expenditures. Special reports are required for certain contributions which are given or received near the time of a primary or election. This special report requirement applies to a contribution of more than $500 which is received from a single entity and to a contribution of more than $500 which is made by a political committee, lobbyist, or employer of a lobbyist.

Summary: The special report requirement now expressly applies to contributions received during the special reporting period by a candidate or political committee if the contributions, in the aggregate, total more than $500 from one entity. The requirement also expressly applies to contributions totaling more than $500 which are made during this period to a single entity by a political committee, lobbyist, or lobbyist's employer. A special report must also be filed for any subsequent contribution received from that entity (or made to that entity) during the special reporting period.

These aggregate totals include contributions made or received through a third party, whether or not the contributions are reported to the commission as earmarked contributions.

Votes on Final Passage:
House 96 0
Senate 45 0

Effective: July 28, 1991

SHB 1316
C 245 L 91

Changing provisions relating to county treasurers.

By House Committee on Local Government (originally sponsored by Representatives Fraser, Brumsickle, Haugen, Basich, Wang, Ferguson, Edmondson, Sheldon, Cooper, Bowman, Nealey, Riley, Wood, Zellinsky, Mitchell, H. Myers, Jones and Paris).

House Committee on Local Government
Senate Committee on Governmental Operations

Background: County treasurers are the custodians of all the moneys belonging to the county and the state until they are disbursed according to law. Treasurers may be authorized by any municipal corporation to invest any funds which are not required for immediate expenditure.

County treasurers act as the collector of all taxes upon real and personal property, and also collect assessments and charges for special districts. The treasurers are responsible for notifying each taxpayer of the amount of taxes owed on the taxpayer's property. On the first day of each month the county treasurer is required to distribute to each of the taxing districts the pro rata amount of money collected as consolidated tax payments during the previous month.

Delinquent property taxes are subject to interest and penalties at the rate of 12 percent per year, but delinquent weed district payments by state and local governments are only subject to 6 percent per year interest.

Summary: The statutes governing county treasurers are revised.

The 6 percent interest provision for delinquent weed district payments is deleted so that delinquent weed district payments are subject to the delinquent property tax interest and penalty rate of 12 percent per year. The state auditor is no longer required to certify the assessments that a state agency must pay to weed districts.

Auctions of county surplus property no longer are required to be held on county property. The county legislative authority must designate where the auctions will be held.

The county treasurer's monthly report to the school superintendent no longer has to be certified by the county auditor. The requirement for a yearly report is eliminated. School district obligations no longer must be paid by warrant.

The treasurer's duty to issue a receipt for all money received other than taxes is amended. The treasurer is no longer required to file the duplicate receipt with the county auditor, but instead keeps the duplicate. The date of redemption of warrants may be the day the financial institution processes the check.

The treasurer may grant an exception on the daily deposit of money where it is not administratively practical or feasible.

The fee schedule for reimbursing the county treasurer for collecting, handling, disbursing, and accounting for special assessments, fees, rates or charges is changed from a variable rate to a fee that may not exceed $4 per parcel for each year the funds are collected.

The treasurer is no longer required to furnish the county legislative authority with an estimate of the amount of assessments to be collected from land that will be acquired from the county in the ensuing year.

The county finance committee, consisting of the county treasurer, auditor, and the chair of the county commissioners, is directed to approve county investment policy.

Excess funds may be transferred from the county local improvement guaranty fund to the general fund. The net cash of the local improvement guaranty fund must be at least 5 percent of the net outstanding obligations of the fund.

A person filing a condominium plan is no longer required to make a deposit of advance taxes.

The county treasurer is directed to collect a $2 fee for filing transactions under the real estate excise tax that do not require payment of a tax.

When the total amount of a special assessment is less than $30, the entire amount must be paid in full.

The treasurers are directed to record the payment of all taxes in the treasurer's records by parcel.

It is unlawful to remove personal property from the county in which the property was assessed until all taxes have been paid.

The county auditor is no longer required to make quarterly settlements with the county treasurer.

If a county treasurer issues a certificate of delinquency on property for overdue taxes, interest, and costs, the certificate is prima facie evidence that: the property described was subject to tax at the time it was assessed, it was assessed as required by law, and the taxes or assessments were not paid at any time before the issuance of the certificate. The prosecuting attorney is directed to assist with the filing of certificates of delinquency with the court.

The minimum acceptable bid at a foreclosure sale is the total amount of taxes, interest, penalties, and costs. An appeal may be filed in superior court to review a foreclosure sale if a deposit is made with the clerk of the court in an amount equal to all taxes, interest, penalties, and costs. Any excess proceeds from the foreclosure sale must be applied to unpaid water and sewer district liens.

No property tax refunds may be made if the property has been sold in a manner that would prevent the assessment and collection of taxes from the property. Any refunds on delinquent taxes must include the proportionate share of interest and penalties paid. Property tax refunds may be applied to the subsequent year's tax.

Treasurers are no longer required to: redeem warrants in the order of their issuance; make a quarterly settlement with the county commissioners; make a certified return at the end of each month with the city treasurer; or adhere to certain procedures concerning certificates of delinquency.

The Department of Revenue is no longer required to compile and distribute copies of state laws to county officials.

Other technical changes are made to delete redundant, obsolete, or confusing language.

Votes on Final Passage:

House	95	0	
Senate	45	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

SHB 1317

C 250 L 91

Clarifying the tax exemption for medically prescribed oxygen.

By House Committee on Revenue (originally sponsored by Representatives Silver, Morris, Holland, Fraser, Mielke, Spanel, Edmondson, Lisk, Morton, Paris, Hochstatter, Nealey, Wynne, Cooper, Bowman, D. Sommers, Miller, Ballard and Mitchell).

House Committee on Revenue
Senate Committee on Health & Long-Term Care

Background: The retail sales and use taxes apply to sales or use of tangible personal property and certain services. Two major exemptions from sales and use taxes are for prescription drugs and certain medical devices. Sales of the following are exempt from sales and use taxes if prescribed by a physician: drugs and lenses for treatment or prevention of disease or ailments, insulin, prosthetic and orthotic devices, and oxygen. The exemption for "medically prescribed oxygen" includes only bottled oxygen, and not oxygen concentrator and other oxygen systems.

Summary: The exemption for medically prescribed oxygen is expanded to include purchase or rental of oxygen concentrator, oxygen enricher, liquid oxygen, and gaseous, bottled oxygen systems. The oxygen system must be purchased or rented by an individual under a prescription issued by a physician, and must be used in the medical treatment of the individual.

Votes on Final Passage:

House	97	0	
Senate	46	2	(Senate amended)
House			(House refused to concur)
Senate	45	1	(Senate receded)

Effective: July 28, 1991

SHB 1326

C 220 L 91

Regulating drayage and storage of tenants' property by landlords.

By House Committee on Housing (originally sponsored by Representatives Franklin, Mitchell, Day, Prentice, Paris, Moyer, Winsley, Cole, Zellinsky, Bray, Ferguson, Edmondson, Wood, Wynne, Lisk, Wineberry, Heavey, Jones, Vance, Tate and Nelson).

House Committee on Housing
Senate Committee on Law & Justice

Background: Under the common law, a landlord had the right to hold the personal property of a tenant, if the tenant was not current in the payment of rent, as a means of ensuring that the debt would be satisfied. This "right of distress" by a landlord has been abolished by statute. A landlord is not allowed to take or detain the personal property of a tenant without the specific written consent of the tenant.

When a tenant abandons a tenancy and is also in default of rent, the landlord may enter and take possession of the premises. The landlord is authorized under these circumstances to take possession of any of the tenant's property found on the premises and store the property in a secure place.

Before disposing or selling any of the property left by the tenant, the landlord must make reasonable attempts to notify the tenant of the location at which the property is being stored, that a sale or disposal of the property will take place, of the date of the sale or disposal, and that the tenant has the right to have the property returned before it is sold or disposed.

If the property has a cumulative value over $50, the landlord may sell the property 45 days after the date the notice of the sale or disposal is sent to the tenant. The landlord may apply any of the proceeds from the sale of the property against any actual reasonable costs of drayage (transporting) and storage of the property. The landlord must hold any excess income from the sale of the property for the benefit of the tenant for a period of one year after the sale. The landlord may keep the income from the sale if no claim is made or action commenced by the tenant during this one year period.

The landlord may not recover the costs of transporting and storing the tenant's property from the tenant if the tenant requests the return of the property before its sale or disposal.

Summary: A landlord may recover the costs of drayage (transporting) and storage of property left by a tenant after a tenant has abandoned the tenancy, if the tenant requests the return of the property before its sale or disposal. The tenant's request for the return of the property must be in writing. The landlord may recover the lesser of the actual costs or reasonable costs.

Votes on Final Passage:

House	96	1	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Senate	42	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

ESHB 1329

C 265 L 91

Authorizing special educational services demonstration projects.

By House Committee on Education (originally sponsored by Representatives H. Sommers, Holland, Locke, Silver, Brekke, Peery, Ebersole, Fuhrman, Cole, Phillips and R. King; by request of Legislative Budget Committee).

House Committee on Education
Senate Committee on Education
Senate Committee on Ways & Means

Background: The Legislative Budget Committee has reviewed and issued a report regarding students in the learning disabled (LD) category of special education. Specifically, the committee looked at the cost of identifying LD students, means of determining program eligibility, effectiveness of services, and student characteristics. The Legislative Budget Committee concluded that:

1) The assessment process for identifying students as LD is expensive and has little diagnostic or programmatic value. The process absorbs resources that could be spent on instruction.

2) Programs for LD and other mildly handicapped students provide little information on student outcomes or program effectiveness.

3) Many students identified as LD are educationally similar to low-achieving students in other categorical programs.

Summary: The intent of the bill is to encourage school districts to develop innovative special services demonstration projects that use resources efficiently and increase student learning.

Selection Advisory Committee: A Selection Advisory Committee, composed of representatives from the House, Senate, Superintendent of Public Instruction (SPI), Office of Financial Management, the Washington Special Education Coalition, transitional bilingual instruction educators, and the Washington Education Association, shall:

a) develop criteria for selecting demonstration projects;

b) issue requests for proposals to the school districts applying for the demonstration projects;

c) review the proposals and recommend prospective demonstration projects for approval by SPI; and,

d) report annually on the status of the demonstration projects to the Legislative Budget Committee and the appropriate policy and fiscal committees of the House and Senate.

Superintendent of Public Instruction: SPI shall:

a) make 10-25 awards for demonstration projects in individual school districts and cooperatives and make awards for in-service training;

b) provide technical assistance;

c) grant waivers;

d) contract with participating school districts and make contract payments;

e) evaluate the projects or contract for an evaluation after conferring with the Selection Advisory Committee on the evaluation design; and,

f) report to the Legislature by December 31, 1993 (interim report) and by December 31, 1995 (final report).

Funding: Project funding may include state, federal, and local funds and is to be specified by the district in its project cost proposal and negotiated in the project contract. SPI shall include all project funding in a project contract and disburse the funds as contract payments.

With respect to state funding, the state handicapped funding, learning assistance program (LAP) funding, and transitional bilingual program funding allocated for the students served in the demonstration projects are included in the project funding.

The state handicapped funding in each school year is based on the average percentage of the kindergarten through 12th grade enrollment in the particular handicapped category during the prior three years, unless the school district participated in the 1989 Pilot Project for the Prevention of Learning Disabilities. Project funding for school districts that participated in the 1989 pilot project is based on 4 percent of the kindergarten through 12th grade enrollment considered as specific learning disabled, without regard to the actual number of students so identified. The percentages used for the state handicapped funding to the demonstration projects will be used to adjust basic education allocations and learning assistance program allocations.

LAP allocations and bilingual program allocations are calculated for project districts according to the funding formula in use for other districts.

State funds can be used both for categorical and noncategorical purposes. State handicapped funds up to the level required by federal maintenance of effort rules are required to be expended for services to handicapped students in the project. Allocations greater than the amount needed to comply with federal maintenance of effort rules are designated in whole or in part as noncategorical project funds and may be expended on services to any students served in the project. Allocation increases in the LAP and bilingual funds above the fiscal year 1992 amount are to be designated in whole or in part as noncategorical project funds and may be expended on services to any student served in the project. SPI is required to create new and discrete program or subprogram codes for the expenditures of noncategorical project funds, to be effective by September 1, 1991.

Funding under federal remediation program allocations, federal handicapped funds, and funding from local sources may be designated in whole or in part by a project district for project use if the amounts are justified in the district's cost proposal and included in the contract amount.

Expiration: The provisions of the bill expire January 1, 1996.

Votes on Final Passage:

House	98	0	
Senate	45	1	(Senate amended)
House	95	0	(House concurred)

Effective: May 17, 1991

ESHB 1330

PARTIAL VETO

C 16 L 91 E1

Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1993.

By House Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Spanel, Inslee, Morton and Holland; by request of Governor Gardner).

House Committee on Appropriations
Senate Committee on Ways & Means

Background: The state government operates on the basis of a fiscal biennium that begins on July 1 of each odd numbered year.

Summary: The 1991-93 Omnibus Appropriations Act is enacted.

Votes on Final Passage:

House	58	37	
Senate	26	22	(Senate amended)
House			(House refused to concur)
First Special Session			
House	53	35	
Senate	41	2	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	36	11	
House	82	13	

Effective: July 1, 1991
June 30, 1991 (Section 916)

Partial Veto Summary: See "Operating Budget - Summary" for impact of partial veto. (See VETO MESSAGE)

SHB 1336

C 194 L 91

Regulating the screening of prospective residential tenants.

By House Committee on Housing (originally sponsored by Representatives Leonard, Ogden, Anderson, Ballard, Nelson, Winsley, Wineberry, Franklin, Mitchell, Paris and Brekke).

House Committee on Housing
Senate Committee on Law & Justice

Background: State law regulates the handling of damage deposits that landlords charge prospective tenants, but does not address the imposition of other fees or charges. Landlords are not required to notify prospective tenants about information obtained during background checks.

Summary: A landlord is prohibited from requiring a fee from a prospective tenant for the privilege of being placed on a waiting list to be considered as a tenant for a dwelling unit.

A landlord may charge a prospective tenant for the costs of obtaining background information on the tenant. If the landlord uses a tenant screening service, then the landlord may charge for the costs incurred for using the screening service. If a landlord conducts his or her own screening of tenants, then the landlord may charge the actual costs incurred in obtaining the background information. The landlord may not charge more than the customary amount charged by an outside screening service in the general area.

A landlord may not charge a prospective tenant a fee for obtaining background information on the tenant unless the landlord: (1) notifies the prospective tenant of what a tenant screening entails, and the tenant's rights to dispute the accuracy of information provided to the landlord; and (2) gives the prospective tenant the name and address of the tenant screening service used by the landlord.

A landlord is not required to disclose information to the prospective tenant that is not required under the Federal Fair Credit and Reporting Act.

If a landlord charges a prospective tenant a fee or deposit to secure that the tenant will move into a dwelling unit after it has been offered to the tenant, then the transaction must be reduced to writing. The landlord must provide the prospective tenant with a receipt for the fee or deposit, together with a statement of the conditions, if any, under which the fee is refundable. If the tenant does occupy the dwelling unit, then the landlord must credit the fee or deposit to the tenant's first month's rent or to the tenant's security deposit.

A landlord who violates the provisions concerning application fees may be liable to the applicant for the amount of the fee or deposit charged, as well as an amount not to exceed $100. The prevailing party may also recover court costs and reasonable attorneys' fees.

Votes on Final Passage:

House	95	0	
Senate	43	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

HB 1339

C 117 L 91

Revising provisions for unemployment compensation.

By Representatives Heavey and O'Brien; by request of Employment Security Department.

House Committee on Commerce & Labor
Senate Committee on Commerce & Labor

Background: Under federal law, state unemployment insurance laws must require an unemployed worker to requalify if the worker applies more than once for benefits based on the same period of employment. To requalify in Washington, a claimant who files a subsequent application for unemployment benefits, using wage credits that were earned before the earlier claim was filed, must have earned at least six times the weekly benefit amount since the initial job separation in the prior benefit year.

If a claimant receives a back pay award, the back pay constitutes wages for the period for which the pay was awarded. The claimant is not liable for overpayment of any unemployment benefits if the back pay award was reduced by the amount of the benefits paid for the same period. Within 30 days of a back pay award, the employer must report to the Employment Security Department the amount by which the back pay award was reduced and must pay the department an amount equal to the reduction.

A claimant may not receive unemployment benefits if he or she is receiving industrial insurance benefits.

The unemployment insurance law does not specify the liability of a purchaser of a business if the prior owner has failed to pay unemployment insurance contributions.

Summary: A change is made in the requirement for establishing an unemployment insurance benefit year when the claimant's base year includes wages earned before the establishment of a prior benefit year. This change applies only to claimants who are unemployed at the time of application. The period in which such a claimant is required to have earnings of not less than six times the weekly benefit amount is changed from the period following the initial job separation in the prior benefit year to the period following the last separation from employment immediately before the application for an initial determination in the previous benefit year.

The procedures applying to a case involving a back pay award are amended. For the purpose of computing the contributions, a back pay award constitutes wages for the period in which it was actually paid, and, for benefit purposes, the award constitutes wages for the period for which it was awarded. The employer is required to (1) reduce the amount of the award by an amount determined by the Employment Security Department (based on the amount of benefits received by the employee); (2) pay an amount equal to the reduction to the department; and (3) pay any taxes due for unemployment insurance on the back pay award. If the employer fails to reduce the back pay award, the department must issue an overpayment assessment against the employee. If the employer fails to pay the department an amount equal to the reduction of the award, the department must issue an assessment of liability against the employer.

A claimant may not receive unemployment benefits if he or she has received or will receive industrial insurance benefits for the same days.

If an employer quits business, any unpaid unemployment insurance contributions become immediately due and must be paid within 10 days. A person who purchases the business may be liable for unemployment contributions that the business owed to the Employment Security Department before the sale. However, the successor owner will not be liable for the back premiums if the successor owner notifies the department of the purchase of the business and the department does not issue a notice of assessment against the business within 180 days.

Votes on Final Passage:

House	98	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 1, 1991 (Sections 1 and 3)
July 7, 1991 (Section 2)

ESHB 1341

C 314 L 91

Providing economic assistance to timber dependent communities.

By House Committee on Trade & Economic Development (originally sponsored by Representatives Sheldon, Hargrove, Jones, Inslee, Riley, Rayburn, P. Johnson, Bowman, Haugen, Paris, Brumsickle, Wynne, Beck, Fuhrman, Ferguson, Basich, Morton, Padden, Roland, Heavey, H. Myers, Peery, Ebersole, May, Lisk, Zellinsky, Nealey, Edmondson, Cooper, Betrozoff, Miller, Mitchell, Jacobsen, R. King, Wineberry, Franklin and R. Johnson).

House Committee on Trade & Economic Development
House Committee on Appropriations
Senate Committee on Commerce & Labor

Background: Timber harvest levels, particularly on federal lands, are expected to decrease significantly.

This will adversely impact the State generally and timber communities specifically. There are two primary reasons for the reduced harvest level. The first is that the forest management plans, particularly the U.S. Forest Service Management Plans, recommend a significant decrease in harvest levels. Secondly, implementation of the Interagency Scientific Commission (ISC) report or other proposals to protect the habitat of the Spotted Owl, which has been declared a threatened species under the federal Endangered Species Act, will further reduce the harvest level in Washington State.

A log export ban on timber from state lands was passed by Congress in an attempt to reduce the jobs lost from timber supply reductions by mandating that state timber be processed domestically.

Impacts from the reduced timber supply will vary in different geographic areas in Washington. Proximity to an urban center, local economic development capacity, productivity of mills in the area, source of logs, proximity to a port, and public and social infrastructure are all factors affecting impact.

The estimated job losses resulting from the reduced harvest level vary significantly. The governor's office estimates the direct and indirect job losses at 20,000; the House Timber Task Force estimates the job losses at 26,000. In addition to employment, the reductions in the timber harvest level will also impact timber-dependent communities, the timber industry, urban areas, and ports.

Timber-dependent communities benefit generally from state-wide economic development programs. In the 1989-91 biennium, the State will spend approximately $93 million for economic development programs, excluding vocational education and job training. Approximately $5.6 million of this is targeted specifically to assist timber-dependent communities.

The Community Economic Revitalization Board (CERB), created in 1982, provides loans or grants to counties, cities, and ports for economic development-related infrastructure. The loan or grant must be necessary to bring an identified business or development into the community.

The Public Works Trust Fund provides loans to counties and cities to improve existing public infrastructure.

Summary: Economic assistance is provided to timber communities and the timber industry by coordinating state economic development services in timber communities, by providing technical and other assistance to the timber industry, by increasing financing for economic development-related public infrastructure in timber communities, and by increasing exports from timber communities.

Coordination of economic development services in timber communities is to be done by an Economic Recovery Coordinating Board, an Agency Timber Task Force, and a timber recovery coordinator.

The Economic Recovery Coordinating Board is established. The governor appoints one member per county from a list of three candidates provided by each local Associate Development Organization in consultation with the county legislative body. The board advises the timber recovery coordinator and the Agency Timber Task Force, and develops a strategy for economic recovery in timber communities.

An Agency Timber Task Force is established. The task force is comprised of staff from several state agencies that are involved with timber-related issues.

A timber recovery coordinator is created. The coordinator is appointed by the governor. The primary duties of the coordinator are to: (1) be the executive secretary for the Economic Recovery Coordinating Board; (2) be the chair of the Agency Timber Task Force, and (3) be the coordinator of state assistance to timber communities.

The Department of Trade and Economic Development is to provide technical assistance and contracts to increase value-added production and the formation of business networks in the timber industry.

Increased financing for public infrastructure in timber communities is provided through changes to the Community Economic Revitalization Board, the Public Works Trust Fund, and the Development Loan Fund. A separate account is created under the Community Economic Revitalization Board to finance economic development-related infrastructure in timber communities without requiring that the loan or grant be tied to a specific business. The Public Works Trust Fund can be used for new public infrastructure in timber communities. Timber communities are added as a priority for the Development Loan Fund.

Efforts to increase exports from timber communities include establishing the Pacific Northwest Export Assistance Project and expanding existing state export programs. The Pacific Northwest Export Assistance Project is created to help businesses become exporters or expand existing exports. Half the businesses assisted by this project must be located in timber communities.

If additional funding is provided, the Washington Economic Development Finance Authority and the Small Business Export Finance Assistance Center are to provide additional export assistance in timber communities.

Other provisions to assist timber communities include: (1) a requirement that state agencies issuing permits necessary for economic development in timber communities must respond to the permit application

within 45 days; and (2) authority for port districts with less than $800 million in property value to incur an additional one-eighth of 1 percent debt without voter approval if a comprehensive plan and financing plan have been approved by the Department of Community Development.

The Institute for Public Policy shall evaluate the effectiveness of this act by November 1, 1993.

Votes on Final Passage:

House	97	0	
Senate	46	1	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	48	0	
House	97	0	

Effective: July 28, 1991
May 21, 1991 (Section 20)

SHB 1342

C 173 L 91

Authorizing cities to impose an excise tax on the sale or distribution of motor vehicle fuel and special fuel.

By House Committee on Transportation (originally sponsored by Representatives Kremen, Braddock, R. Fisher, Spanel, R. Johnson and Nelson).

House Committee on Transportation
Senate Committee on Transportation

Background: Cities along the Canadian border are experiencing extraordinary road impacts due to the large number of Canadian motorists coming across the border to take advantage of significantly lower U.S. gasoline prices. It is thought that these border cities need additional authority to levy a fuel tax for city street maintenance and construction to mitigate these impacts.

Cities receive a portion of the state-levied motor vehicle fuel tax distributed according to population. In addition, cities may obtain or impose: a share of a county-levied motor vehicle fuel tax of 10 percent of state rate, a share of a county-levied vehicle registration fee of up to $15 per vehicle, city street utility charges, and a city parking tax.

Summary: "Border area jurisdictions" are authorized to enact, with voter approval, a tax of up to one cent per gallon on motor vehicle fuel and special fuel. "Border area jurisdictions" are cities and towns within 10 miles of an international border crossing and transportation benefit districts that include an international border crossing.

Jurisdictions imposing the tax would be responsible for collection. Revenue accruing from the tax, less cost of administration, may be used only for street maintenance and construction.

Votes on Final Passage:

House	62	36	
Senate	36	5	(Senate amended)
House	62	34	(House concurred)

Effective: July 1, 1991

EHB 1352

C 89 L 91

Making confidential certain information acquired by the department of labor and industries.

By Representatives Jones, Vance, Cole, Wynne, Moyer, Miller, Paris, Ballard, May, Basich, Forner and Silver; by request of Department of Labor & Industries.

House Committee on Commerce & Labor
Senate Committee on Commerce & Labor

Background: The Department of Labor and Industries administers the Washington Industrial Safety and Health Act (WISHA). WISHA programs include a voluntary compliance program that offers consultation and training for employers on workplace safety and health issues. The consultant is authorized to recommend the elimination of hazards that are found on the worksite during consultation. The department is also authorized to conduct research on safety and health issues.

The statute does not specify that information obtained from employers during the course of a consultation or while conducting research will be kept confidential. If hazards found during voluntary consultation at a work site are not eliminated, the employer may be subject to penalties under the department's enforcement branch.

Summary: Information obtained by the Department of Labor and Industries through consultation or training services offered to an employer at the employer's request is confidential and not open to public inspection. However, employers are required to make voluntary service reports available to employees or their collective bargaining representatives for review.

Employer identity, employee identity, and personal identifiers of voluntary participants in research conducted by the department is confidential and not open to public inspection. For the purpose of industrial insurance, information obtained from the research is not medical information, and the information is confidential and not open to public inspection.

Votes On Final Passage:

House	98	0	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	48	0	
House	98	0	

Effective: July 28, 1991

HB 1355

C 108 L 91

Increasing civil penalties for industrial safety and health violations.

By Representatives R. King, Jones, Cole and Wang; by request of Department of Labor & Industries.

House Committee on Commerce & Labor
Senate Committee on Commerce & Labor

Background: Under the Washington Industrial Safety and Health Act, the Department of Labor and Industries may issue citations for various violations of the act, with the following penalties: (1) for willful violations, up to $50,000; (2) for serious violations, up to $5,000; (3) for nonserious violations, up to $3,000; (4) for failure to correct a violation, up to $5,000; (5) for posting violations related to employee rights, up to $3,000; and (6) for posting violations related to educational materials, up to $1,500.

Federal law requires WISHA to be at least as effective as the federal Occupational Safety and Health Act to maintain federal funding and approval. Congress has recently raised the maximum penalties under the OSH Act to $70,000 for willful violations and $7,000 for other violations. In addition, a minimum penalty of $5,000 is required for willful violations of the OSH Act.

Summary: The maximum penalty for an employer who willfully or repeatedly violates the Washington Industrial Safety and Health Act is increased from $50,000 to $70,000 for each violation. The employer must be assessed a minimum penalty of $5,000 for a willful violation.

The maximum penalties for other violations are increased as follows:

Serious violations are increased from $5,000 to $7,000.

Nonserious violations are increased from $3,000 to $7,000.

Failure to correct a violation is increased from $5,000 to $7,000 (for each day).

Posting violations related to notice of employee rights are increased from $3,000 to $7,000 and violations related to educational materials are increased from $1,500 to $7,000 .

Votes on Final Passage:

House	98	0
Senate	48	0

Effective: July 28, 1991

ESHB 1357

C 330 L 91

Relating to the public disclosure of tax information.

By House Committee on Revenue (originally sponsored by Representatives Fraser, Holland, Wang, Wynne, Winsley, Moyer, Paris and May; by request of Department of Revenue).

House Committee on Revenue
Senate Committee on Law & Justice

Background: The Department of Revenue (DOR) collects the majority of general fund taxes. DOR must keep tax returns and other information confidential, except in certain circumstances. DOR may provide information in court actions, or to the Internal Revenue Service and certain other governmental entities. DOR also releases "sanitized" versions of determinations, in which information that would identify the taxpayer has been deleted, to notify taxpayers of administrative law changes.

The statutes are somewhat vague as to how much information DOR may disclose. There are substantial penalties, including loss of state employment, for the unauthorized release of confidential information.

Summary: DOR is provided with specific guidelines on the type of taxpayer information to be released, and the circumstances under which the information may be released. The director of DOR may designate certain written determinations as precedents, and these determinations are to be made available to the public. DOR must adopt by rule, specific criteria for deciding whether a determination is a precedent. The criteria must include at least: whether the determination clarifies an unsettled interpretation of the excise tax statutes; and, whether the determination modifies or clarifies an earlier interpretation.

Upon request by a taxpayer, DOR must release any written determination it uses to make assessments against that taxpayer. However, DOR may only release determinations after names, addresses, and other identifying details of the taxpayer to whom the determination pertains have been deleted.

Votes on Final Passage:
House 98 0
Senate 39 1 (Senate amended)
House 94 0 (House concurred)

Effective: July 28, 1991

SHB 1358

C 92 L 91

Allowing educational employees to choose a benefit plan in lieu of remuneration for unused sick leave.

By House Committee on Appropriations (originally sponsored by Representatives Dorn, Holland, Neher, Peery, Sprenkle, Brumsickle, Rasmussen, Inslee, R. Meyers, Winsley, Edmondson, Mielke, Miller, Betrozoff, G. Fisher, Basich, Pruitt, Orr, H. Myers, Roland, Rayburn and Anderson).

House Committee on Education
House Committee on Appropriations
Senate Committee on Ways & Means

Background: Under current law, school district and Educational Service District (ESD) employees may be paid annually for unused sick leave so long as they maintain a sick leave balance of 60 days. Sick leave may also be cashed-out when an employee retires or dies. The rate of compensation in both cases is one day's pay for each four full days of accrued sick leave.

In lieu of a monetary payment at the time of retirement, school district and ESD employees may use the compensation for post retirement medical benefits under programs established by their respective school district Board of Directors. However, these employees may not move unused sick leave funds into a medical benefits plan on an annual basis.

Summary: School district and Educational Service District employees who are eligible under existing law to receive annual remuneration for unused sick leave may choose to have the remuneration used for a medical benefit plan instead of receiving cash.

Districts may not adopt any new benefit plan unless the plan contains provisions requiring employees to hold districts harmless for federal taxes, assessments, and other payments due on funds placed into the benefit plan.

Votes on Final Passage:
House 98 0
Senate 47 0

Effective: July 28, 1991

HB 1364

C 25 L 91

Providing military leave for public employees and officers called to active duty.

By Representatives Forner, D. Sommers, Winsley, Wynne, Mitchell, Edmondson, P. Johnson, Chandler, Vance, Wood, Moyer, Miller, Brumsickle, Bowman, Horn, Paris, Casada, Ballard, Brough, Tate and Lisk.

House Committee on State Government
Senate Committee on Governmental Operations

Background: Public employees who are members of the Washington National Guard or the U.S. military reserves may receive up to 15 days of military leave from their employers each year. This military leave is compensation for "active training duty" and allows these employees to be paid for what is typically two weeks of military training per year. Public employees receive compensation from the federal government for time spent in active military training.

Public employees also receive compensation from the federal government when they are called into active military service. However, they do not receive paid military leave from their employers for time in active service. Use of military leave is restricted to time spent in training. Public employees called to active duty use their annual leave reserves or go on leave without pay status.

Summary: A public employee's 15 days of military leave may be used either when on active training duty or when called up for active duty, or for some combination of the two. The act applies to all public employees who reported for active duty or active training duty on or after August 2, 1990.

Votes on Final Passage:
House 97 0
Senate 44 0

Effective: April 22, 1991

HB 1371

C 104 L 91

Modifying probation assessment provisions.

By Representatives Hargrove, Winsley, Prentice, Morris, Tate, Riley, Leonard, H. Myers, D. Sommers, Wynne, Moyer, Miller and May; by request of Department of Corrections.

House Committee on Human Services
Senate Committee on Law & Justice

Background: The Division of Community Corrections, within the Department of Corrections, is responsible for managing felony offenders within local communities. Community correction officers monitor offender behavior and direct offenders towards acceptable lifestyles through involvement in community-based rehabilitative programs. The programs include: community supervision, work training release, and victim and witness notification.

The Department of Corrections charges offenders the cost, or part of the cost, of providing community supervision services. The court is responsible for establishing or changing the amount of supervision fees that an offender is required to pay. If the offender's ability to pay the supervision fee changes, the state is required to take the offender back to court to modify the payment amount. The court is the only entity that can change the order to pay supervision fees.

Summary: The Department of Corrections rather than the court, is authorized to decrease or defer offender supervision fees or exempt a person from payment of the fees. It is clarified that offenders serving a period of community supervision, community placement, or parole will pay community supervision fees assessments.

Votes on Final Passage:
House 95 0
Senate 45 0

Effective: July 28, 1991

HB 1372
C 77 L 91

Repealing the interstate parole and probation hearing procedures act.

By Representatives Hargrove, Winsley, Prentice, Morris, Tate, Riley, Leonard and H. Myers; by request of Department of Corrections.

House Committee on Human Services
Senate Committee on Law & Justice

Background: The state of Washington is a signatory to the Interstate Compact for the Supervision of Probationers and Parolees. The compact agreement allows states to mutually supervise offenders permitted to travel out of state. In addition to the compact, Washington state law requires the Department of Corrections to conduct a reasonable cause hearing any time it detains an offender from any other state who is being supervised by the department. Currently, if an out of state person under the department's supervision violates a condition of his or her sentence, the department must conduct an administrative due process hearing to determine if there is reasonable belief that the violation has occurred.

Washington State is the only waiver state that requires, by law, a hearing process of this type. Other states rely on the "Waiver of Extradition" document that an offender signs before he or she can travel to a neighboring state. A signed waiver document allows the sending state to regain custody of the offender for any breach of the travel privilege. Persons who have absconded, or otherwise violated the conditions of their parole or probation, have used Washington law to interfere with the sending state's attempt to extradite and re-confine them.

Summary: The reasonable cause hearing and other procedural requirements used by the Department of Corrections for detaining out of state offenders under their supervision are eliminated.

Votes on Final Passage:
House 96 0
Senate 46 0

Effective: July 28, 1991

EHB 1376
C 29 L 91 E1

Classifying computer software for purposes of taxation.

By Representatives Wang, Holland, Fraser, Silver, Phillips, Brumsickle, Wynne, Horn, Pruitt, Orr, Sprenkle, Hine and Brekke; by request of Software Study Committee.

House Committee on Revenue

Background: All property, both real and personal, is subject to property taxation unless specifically exempted. Personal property includes both tangible and intangible property.

Tangible property has a physical existence; for example, desks, file cabinets and equipment. Intangible property does not have a physical presence, e.g. copyrights and patents. Some intangible property is exempt, such as money, mortgages, certificates of deposits, and judgments. Computer software is generally considered to be intangible property.

In 1989 the State Board of Tax Appeals ruled that computer software was taxable because it was not on the list of exempt intangible property.

In 1990, SSB 6859 directed the county assessors to list and assess computer software for 1991 taxes in the same manner and extent as they did in 1989. The Department of Revenue was directed to coordinate a study of the property taxation of computer software. Included

in the study team were representatives of government and business.

The results of the study were published in a report containing recommendations for the taxation of computer software. The recommendations were that embedded software should be taxed, custom software should be exempt, master copies of software should be exempt, the user of software should be taxed rather than the licensor, and canned software should be taxed but depreciated over a two-year period.

Summary: Custom software is exempt from property tax. Master or golden copies of software are exempt from property tax. Modifications to canned software are exempt from property tax. Embedded software is taxed as part of the computer system or machinery or equipment containing the embedded software. Taxable computer software, except embedded software, is taxed in the first year at 100 percent of acquisition cost, in second year at 50 percent, and thereafter at zero.

County assessors are directed to list and assess computer software for 1992 taxes in the same manner and extent as they did in 1989.

The Department of Revenue is directed to form an advisory committee to assist it in studying the computer software exemptions and valuation rules in this bill to determine whether they are necessary and appropriate to achieve fairness, equity, and uniformity in the property tax treatment of computer software. The department is to report its findings to the Legislature by November 30, 1998.

Votes on Final Passage:

First Special Session

House	91	1
Senate	33	12

Effective: July 11, 1991

HB 1377

C 86 L 91

Revising provisions for the screening program for scoliosis.

By Representatives Peery, Cole, G. Fisher, Betrozoff, Miller and Jacobsen; by request of Board of Health.

House Committee on Health Care
Senate Committee on Education

Background: State law prescribes the school grades in which students must be screened for scoliosis, although the state Board of Health determines other aspects of the screening program by rule. The current requirement of screening students in grades five through 10 may not be necessary or may not be the most efficient use of resources.

Summary: Statutory references to yearly scoliosis screening of high risk children in school grades five through 10 are deleted. Scoliosis screening is required at least three times between grades four and 10.

The state Board of Health is required to adopt rules in cooperation with the Department of Health and the Superintendent of Public Instruction.

Current law which provided for screening waivers in the ninth and 10th grades is repealed.

Votes on Final Passage:

House	96	1
Senate	46	0

Effective: July 28, 1991

ESHB 1389

PARTIAL VETO

C 302 L 91

Regulating aquatic plants.

By House Committee on Environmental Affairs (originally sponsored by Representatives Fraser, Winsley, Rust and Belcher).

House Committee on Environmental Affairs
House Committee on Revenue
Senate Committee on Agriculture & Water Resources

Background: Aquatic weeds are primarily non-native species of plants that cause damage through rapid, unchecked propagation. Well known examples include eurasian water milfoil and purple loosestrife.

Aquatic weeds pose a variety of problems in Washington lakes and rivers. Aquatic weeds affect water quality by promoting low dissolved oxygen and high alkalinity; these conditions are unfavorable to fish and other aquatic life. They cause expensive damage to power plants, irrigation equipment, and motors. Additionally, aquatic weeds can restrict swimming, boating, and other recreational opportunities.

Eurasian water milfoil is now present in the Pend Oreille, Okanagan, and the Columbia river systems. Several lakes in eastern and western Washington are infested with milfoil. Purple loosestrife is also known to be spreading, primarily in wetland areas.

Washington currently has a state milfoil program for the prevention, control, and eradication of the milfoil plant. Under the program, the U.S. Corps of Engineers provides approximately $400,000 per year to the Department of Ecology. The department issues this money to local governments on a match basis. The program applies to milfoil only and is limited to navigable wa-

ters under the corps' jurisdiction. This requirement excludes many milfoil infested areas in the state. Federal milfoil dollars may be lost unless the Department of Ecology secures funds to pay for the state's administrative costs of the program.

Aquatic plant control is eligible to compete for funds under the clean water account under certain circumstances. To date, few aquatic control projects have been funded from this account.

Summary: An aquatic weeds account is created. An annual $3 licensing surcharge is assessed on boat trailers with proceeds deposited to the new account. The Department of Ecology is authorized to: 1) issue grants to local governments and state agencies to manage freshwater aquatic weeds; 2) develop public education programs to prevent the spread of aquatic weeds; 3) provide technical assistance to local governments and lake management districts; and 4) fund demonstration or pilot projects to manage aquatic weeds.

Grants issued to local governments and state agencies may be used on lakes, rivers, or streams where aquatic weeds are a problem. Lakes, rivers, or streams must have public boat launch as a condition of funding.

Votes on Final Passage:

House	87	9	
Senate	33	14	(Senate amended)
House	90	4	(House concurred)

Effective: July 1, 1991
September 1, 1991 (Section 3)

Partial Veto Summary: The provision rendering the bill "null and void" if not specifically referenced in the budget is vetoed. (See VETO MESSAGE)

HB 1400

C 224 L 91

Modifying grant criteria for rural health care projects.

By Representatives Morton, Grant, Fuhrman, Bray, Sprenkle, Morris, Chandler, Paris, Rasmussen, McLean, Forner and Rayburn; by request of the Department of Health.

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: In 1989, in an effort to expand needed health care to rural areas, a rural health program was created, but the number of rural health projects that could be funded was limited to six. In 1990, the Department of Health (DOH) received applications for 18 potentially fundable projects. Even if funds were available, the department would be unable to provide assistance unless the number limit is removed. This limitation is arbitrary and may discourage communities from applying for available assistance.

Summary: The limitation on the number of rural health projects that may be funded is repealed.

Votes on Final Passage:

House	95	0	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Senate	40	1	(Senate receded)

Effective: July 28, 1991

SHB 1401

C 142 L 91

Enacting the Washington taxpayers' rights and responsibilities act.

By House Committee on Revenue. (originally sponsored by Representatives Wang, Wynne, Ballard, D. Sommers, Winsley, Cooper, Vance, Mielke, Van Luven, Moyer, Miller, Brumsickle, Bowman, Horn, Paris, May, Betrozoff, Inslee, R. Meyers, Pruitt, Zellinsky, Bray, Franklin, Ogden, Phillips, Valle, H. Myers, Rasmussen, Fraser, Sprenkle, Heavey, Scott, Tate, Dellwo, Silver, Jacobsen, Hine, Brekke and Peery; by request of Department of Revenue.)

House Committee on Revenue
Senate Committee on Ways & Means

Background: Many states recently enacted "Taxpayers' Bill of Rights" legislation. These measures specify the duties and obligations of the revenue department in conducting audits, collecting delinquent taxes, and the interest and penalties assessable on delinquent taxes. The measures also outline the rights of taxpayers in appealing assessments and seeking tax relief. Many of these measures are modeled after the federal taxpayers' bill of rights.

In Washington, the tax statutes mention certain rights, such as the right to appeal unfair tax assessments and obtain refunds. However, there is no one statute that clearly outlines the specific rights and responsibilities of taxpayers.

In 1990, proposed legislation which passed the House of Representatives and Senate Ways & Means Committee, directed the Department of Revenue (DOR) to study the rights and responsibilities of taxpayers that are currently enumerated in statute, administrative law, and department practice. DOR was to include in its report discussion of the following items:

1) the need for a taxpayer ombudsman for the state;

2) the efficacy of the power to abate tax payments under specified circumstances;

3) the need for clarification of the tax code to make it more understandable to the citizens;

4) the publications available that explain taxpayer rights and responsibilities;

5) the legal rights to sue and attendant responsibilities;

6) consistency throughout DOR in tax collection methods;

7) ways to improve voluntary compliance and uniform enforcement; and

8) other issues DOR considers relevant.

Although the 1990 bill did not become law, the department did complete a study of taxpayer rights.

The Department of Revenue (DOR) assesses interest at 9 percent per year on underpaid and late taxes and pays interest at 3 percent per year on refunds of overpaid taxes.

Current law also provides for penalties on businesses that have tax liability but fail to file a return or pay taxes owed by the due date. The penalty increases from 5 percent of taxes owed for failure to pay when due up to 20 percent of taxes owed if payment is not received within 60 days of the due date. If tax is not paid within 30 days of a notice by DOR of taxes due, an additional 10 percent penalty is assessed. If DOR issues a warrant to collect the taxes, an additional 5 percent penalty applies. However, total penalties assessed may not exceed 25 percent.

Taxpayers must pay an additional 50 percent penalty if DOR can prove that failure to pay resulted from an intent to evade taxes.

Summary: Taxpayer rights: Taxpayer rights include the right to:

1) receive a written explanation of the basis for a tax deficiency assessment at the time the assessment is issued;

2) rely on specific, official written advice from DOR;

3) receive relief and redress when tax laws are found unconstitutional;

4) receive protection from public inquiry regarding financial and business information;

5) receive, upon request, clear and current tax instructions, and forms; and

6) receive a prompt and independent administrative review by DOR of a decision to revoke a tax registration, and to a written determination that either sustains the revocation or reinstates the registration.

Taxpayer responsibilities: Taxpayer responsibilities include responsibilities to:

1) register with the Department of Revenue;

2) know tax reporting obligations;

3) keep complete and accurate records of their business activities;

4) file accurate returns and pay taxes in a timely manner;

5) ensure the accuracy of information entered on their tax returns;

6) provide supporting documents when claiming refunds due;

7) pay all taxes after closing a business and request cancellation of registration number; and

8) respond to communications from DOR in a timely manner.

Taxpayer rights advocate: DOR must appoint a taxpayer rights advocate to increase taxpayer understanding, and to ensure that taxpayers use the policies, processes, and procedures available to them in resolving their problems.

Taxpayer services program: DOR must maintain a taxpayer services program to provide information and education to the public through direct communication, tax workshops, and publications.

Interest and penalties on underpaid and overpaid taxes: For taxes due January 1, 1992, and thereafter, the interest rate on underpaid and late taxes is changed from 9 percent to a rate that is 2 percentage points above an average of the federal short-term rate. For refunds on taxes paid after January 1, 1992, the interest rate is changed from 3 percent to a rate that is 1 percentage point above an average of the federal short-term rate. The average rate is the arithmetical average of the federal short-term rates for the months of January, April, July, and October of the preceding calendar year, rounded to the nearest percentage point. The rates used in the calculation are those published by the United States secretary of the treasury.

The limit on penalties for businesses who fail to file returns is raised from 25 percent to 35 percent. In addition, a new negligence penalty of 10 percent is applied to those taxpayers who receive written instructions for future reporting of taxes and ignore the instructions. Specific written instructions by DOR must clearly indicate that failure to comply with the instructions may result in penalties. The negligence penalty may not be applied to taxpayers who are appealing their assessments.

DOR may not impose both the evasion penalty and the negligence penalty to the same tax amount. The negligence penalty may not be applied to taxpayers who have made a good faith effort to comply with DOR's specific written instructions.

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	46	2	
House	98	0	

Effective: July 28, 1991
January 1, 1992 (Sections 9 - 11)

SHB 1416

C 253 L 91

Establishing a plan for mitigation requirements if game fish habitat is impaired.

By House Committee on Fisheries & Wildlife (originally sponsored by Representatives R. King, Fuhrman, Hochstatter, Padden, Basich, Morris, Dorn, R. Meyers and Winsley).

House Committee on Fisheries & Wildlife
Senate Committee on Environment & Natural Resources

Background: Fish and wildlife are protected under various state and federal habitat protection laws.

The Department of Wildlife can require or recommend mitigation or conditions on a variety of permits and licenses, for the purpose of wildlife protection. Recommendations to the Federal Energy Regulatory Commission for hydroelectric projects and under the Fish and Wildlife Coordination Act for Army Corps of Engineers or Bureau of Reclamation projects may include a game fish stocking component. The fish stocking component can be met by constructing new fish hatcheries or rearing facilities, or by utilizing existing state or private hatcheries or rearing facilities. Current law does not address which of these options is to be used. Current law does not address how the Department of Wildlife is to define the numbers and species of fish that are required for stocking. There is nothing in current law that prevents the purchase of fish from a private aquaculturist, either for mitigation purposes or for other purposes.

Summary: If the Department of Wildlife recommends or requires game fish stocking as a condition of an environmental permit or license, the department must specify the pounds, numbers, species, stock and/or race of resident game fish to be provided. The department must allow the permittee or licensee to purchase fish that meet these requirements from private aquatic farmers in Washington. Any state or federal agency, branch of state government, political subdivision of the state, private or public utility company, corporation, or sports group may purchase game fish for stocking from an aquatic farmer. Fish stocking is subject to all permit requirements of the Department of Wildlife. A sunset clause terminates the provisions of the act on June 30, 1994.

Votes on Final Passage:

House	96	0	
Senate	46	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 28, 1991

ESHB 1426

C 341 L 91

Establishing the center for sustaining agriculture and natural resources, and the food and environmental quality laboratory as research and extension programs of Washington State University.

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Grant, Ballard, Rayburn, Nealey, Rust, Belcher, Ludwig, Prince, Heavey, Inslee, Bray, Rasmussen, Jacobsen, Lisk, Kremen, Spanel and Edmondson).

House Committee on Agriculture & Rural Development
House Committee on Appropriations
Senate Committee on Agriculture & Water Resources

Background: State law designates courses of instruction in agriculture, veterinary medicine, and economic science (as it applies to agriculture and rural life) as exclusive major lines of instruction at Washington State University (WSU). WSU, a federal land grant university, is the research, instructional, and administrative center for the cooperative extension program in this state.

The federal Interregional Research Project Number Four (IR-4) Program was established to provide data required for the registration of pesticides for the production of minor crops.

Amendments to the Federal Insecticide, Fungicide, and Rodenticide Act require pesticides registered with the federal government before November 1, 1984, to be reregistered under current registration standards and criteria.

Summary: Center & lab created: A Center for Sustaining Agriculture and Natural Resources is established at WSU. A Food and Environmental Quality Laboratory, to be operated by WSU, is created at the Tri-Cities if funding for the laboratory is specifically provided in the 1991-1993 biennial budget.

Center: The center's primary activities include: (1) research programs focusing on alternative production

and marketing systems through integrated pest management, biological pest control, applied genetics, conservation, and knowledge of ecological nutrient management; (2) extension programs focusing on on-farm demonstrations and evaluations of alternative production practices and on information dissemination and training regarding sustainable agriculture; and (3) on-farm testing and research regarding costs, benefits, and trade-offs inherent in farming systems and technologies.

The center will be managed by an administrator who holds a joint appointment as an assistant director in WSU's Agricultural Research Center and Cooperative Extension. An advisory committee is created. The administrator must consult the advisory committee in recommending research and extension priorities for the center, conducting a competitive grants process, and advising WSU on the progress of the center's programs.

The center must submit annual reports to the Legislature. The initial report is due November 1, 1992.

Laboratory: The laboratory is established to conduct pesticide residue studies concerning fresh and processed foods, residues in the environment, and human and animal safety. The laboratory must: (1) conduct studies on pesticides on crops and in the environment; (2) improve pesticide information and education programs; (3) assist federal and state agencies with questions regarding the registration of pesticides which are deemed critical to crop production; (4) assist in the registration of biopesticides, pheromones, and other alternative chemical and biological pest control methods; and (5) evaluate regional requirements for minor crop registration through the federal Interregional Research Project Number Four (IR-4) Program. The laboratory must conduct research activities using procedures and recordkeeping required of the IR-4 Program and must coordinate its activities with the IR-4 Program. It must also cooperate with public and private laboratories in Idaho, Oregon, and this state.

An advisory board is created to advise the laboratory. The advisory board must use certain specified criteria in reviewing the chemicals investigated by the laboratory.

Registration information program: If funding is provided in the 1991-1993 operating budget, the state's Department of Agriculture must develop a program to provide assistance and information to grower organizations on the registration and reregistration of pesticides. An advisory committee is created to assist the department.

Votes on Final Passage:

House	96	0	
Senate	44	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	45	0	
House	96	0	

Effective: July 28, 1991

ESHB 1427

PARTIAL VETO

C 14 L 91 E1

Adopting the capital budget.

By House Committee on Capital Facilities & Financing (originally sponsored by Representatives H. Sommers and Schmidt; by request of Governor Gardner).

House Committee on Capital Facilities & Financing
Senate Committee on Ways & Means

Background: Every two years the Legislature adopts a biennial capital budget approving the expenditure of state moneys for capital purposes. Included in the capital budget are moneys for remodeling and construction of public schools, institutions of higher education, parks and green spaces, and office buildings.

Summary: The 1991-93 omnibus capital appropriations budget is enacted.

Votes on Final Passage:

House	86	10	
Senate	35	11	(Senate amended)
House			(House refused to concur)
First Special Session			
House	78	9	
Senate	45	2	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	32	14	
House	77	20	

Effective: June 30, 1991

Partial Veto Summary: See "Capital Budget - Summary" for impact of partial veto. (See VETO MESSAGE)

EHB 1428

C 284 L 91

Altering budget request requirements.

By Representatives Neher, H. Sommers and Schmidt; by request of Office of Financial Management.

House Committee on Capital Facilities & Financing
Senate Committee on Ways & Means

Background: Current state accounting and reporting practices hide the impact of debt service payments on the state general fund. Statutory provisions and bond covenants require the state treasurer to transfer pledged revenues required for debt service payments directly into debt service accounts. This ensures that bond repayment is not compromised by either executive or legislative actions once a bond commitment is made.

This practice, however, gives limited visibility to the amount of debt service paid by the state. Debt payments are recorded as a revenue transfer and are deducted from state revenues when the state revenue forecast is prepared. Only in the detailed tables of the revenue forecast are the amounts of debt service payments shown. Debt service payments from the general fund are neither included in the budget nor reported as expenditures requiring legislative appropriation.

State general fund debt service payments have grown from $196 million in 1981-83 to over $515 million in 1991-93 and are expected to exceed $1 billion by the 1995-97 biennium. This is a "bow-wave" cost that should be highlighted as part of the decision-making process, for it has significant implications to other general fund priorities in the operating and capital budgets.

Summary: The Budget and Accounting Act is amended to require the governor's capital budget request to include a separate document containing a proposed capital spending plan for the next 10 years and a listing of specific capital projects for each agency for the next six years, or three fiscal biennia. The capital budget bill must identify the amount of general fund debt service costs associated with the appropriations in the bill for the next three biennia. Local matching money for capital projects must be spent in the same proportion as state money over the term of the project. The Office of Financial Management must adopt guidelines implementing this new requirement.

Votes on Final Passage:

House	89	4	
Senate	46	0	(Senate amended)
House	95	1	(House concurred)

Effective: July 28, 1991

ESHB 1430

C 31 L 91 E1

Issuing general obligation and revenue bonds.

By House Committee on Capital Facilities & Financing (originally sponsored by Representative H. Sommers; by request of Governor Gardner).

House Committee on Capital Facilities & Financing
Senate Committee on Ways & Means

Background: The state of Washington periodically issues general obligation bonds to finance capital construction projects throughout the state. The specific legislative approval of a capital project is contained in the capital appropriations act. Those appropriations requiring state bonding depend on legislation authorizing the sale of bonds. Bond authorization legislation requires a 60 percent majority vote in both houses of the Legislature.

Summary: The State Finance Committee is authorized to issue $1,095,000,000 in state general obligation bonds to finance new construction and other state projects contained in the 1991-93 capital budget. The bonds are supported by the full faith and credit of the state. Of the total bond authority, $15 million is transferred into the Energy Efficiency Construction Account to make loans for energy efficiency projects. $3 million is transferred to the Energy Efficiency Services Account to promote and administer energy efficiency projects. The loans and administrative costs are to be repaid by the energy savings resulting from the projects.

$120 million is transferred into the Common School Reimbursable Construction Account, a new account created in the state treasury. The debt service for these bonds are to be paid from the state property tax dedicated for the support of schools. $98.6 million is transferred into the Higher Education Reimbursable Construction Account, a new account created in the state treasury. The debt service for these bonds are to be paid from student tuition fees. $2.4 million is transferrred into the Wildlife Reimbursable Construction Account, a new account created in the state treasury. Debt service on these bonds is to be paid from the State Wildlife Fund. The debt payments for these five accounts are exempted from the statutory debt limit.

The 1990 bond bill is amended so that the $40 million of bonds for school construction projects are reimbursable from the state property tax and therefor outside the statutory debt limit.

The statutes for the state property tax and the State Wildlife Fund are amended to allow for the payment of principal and interest on bonds.

The Department of General Administration (GA), in cooperation with the Office of Financial Management, must develop a plan for rental changes to occupants of state buildings. The plan must be submitted to the House Capital Facilities and Financing Committee and the Senate Ways and Means Committee by December 1, 1991. GA must establish a parking fee for state owned and leased property consistent with legislative intent to reduce state subsidization of parking.

Votes on Final Passage:

House	88	10	
Senate	34	12	(Senate amended)
First Special Session			
House	71	22	
Senate	35	12	

Effective: July 11, 1991

HB 1431

C 118 L 91

Updating the Model Traffic Ordinance.

By Representatives R. Fisher, R. Meyers and Betrozoff.

House Committee on Transportation
Senate Committee on Transportation

Background: The Washington Model Traffic Ordinance (MTO), enacted in 1975, is a listing of all state traffic laws which are applicable to a municipality. The model ordinance may be adopted by reference by local authority to serve as its local traffic ordinance. A local authority may adopt the MTO in full or in part and may at any time ignore any section or sections it does not wish to include in its local laws. Three-fourths of the cities and over half of the counties in the state adopt some version of the MTO.

New legislative enactments that relate to the regulation of traffic and motor vehicles within a municipality may be incorporated into the MTO. Including these statutes by reference in the Model Ordinance allows the cities, towns and counties that have adopted the MTO to enforce these laws without having to enact separate ordinances.

If a municipality desires to implement a new traffic law prior to legislative passage of the updated MTO, then the local authority must enact its own ordinance compatible with the state law.

Summary: The Model Traffic Ordinance is updated to include the laws passed during the 1989 and 1990 sessions relating to traffic and motor vehicles.

Votes on Final Passage:

House	95	1
Senate	46	0

Effective: May 9, 1991
April 1, 1992 (Section 2)

ESHB 1440

C 327 L 91

Regulating mobile homes.

By House Committee on Housing (originally sponsored by Representatives Winsley, Franklin, Ballard, Nelson, Leonard, Ogden, Wineberry and Miller).

House Committee on Housing
Senate Committee on Commerce & Labor

Background: The Mobile Home Relocation Act was enacted in 1989 and subsequently amended in 1990. Although this legislation was declared unconstitutional by a superior court judge, the superior court decision is stayed until the issue can be finally decided by the state Supreme Court.

Under the Mobile Home Relocation Act, relocation assistance is provided from two sources when a mobile home park is closed or converted to another use. Low-income tenants receive two-thirds of their relocation assistance from the mobile home park relocation fund and one-third of their relocation assistance from the park owners. Tenants who do not qualify as low-income only receive the one-third payment from the park owners. A tenant must have an annual income at or below 80 percent of the median income for the county in order to qualify as low-income. Park owners are responsible for paying up to the full amount of relocation assistance if there are insufficient moneys in the fund. The fund consists of payments of a $50 fee imposed on the transfer or elimination of mobile home titles. Owners of recreational vehicles are not entitled to relocation assistance.

Mobile homes are required to comply with current codes when they are moved. It is not necessary to make a site-built home conform to current codes when it is moved.

The Legislature created the Office of Mobile Home Affairs in 1988 within the Department of Community Development. The office serves as the coordinating office within state government for matters related to manufactured housing. The office also serves as an ombudsman with respect to problems which arise between mobile home park owners and park residents. The Office of Mobile Home Affairs will terminate on July 1, 1991, unless reauthorized by the Legislature.

The Office of Mobile Home Affairs is funded by a $15 fee imposed on the transfer of title on new or used mobile homes where ownership of the mobile home is changed, or when a mobile home title is eliminated pursuant to statute. The $15 fee is part of the Mobile Home Relocation Act that was declared unconstitutional in a superior court decision.

Some states have a mobile home commission that administers all mobile home programs.

Summary: The $50 fee imposed on the transfer or elimination of mobile home titles expires on July 1, 1992. The $50 fee does not apply to the addition or deletion of a spouse co-owner or a secured interest on the title. Park owners are required to pay a $5 annual fee for each occupied lot in the mobile home park, unless the park owner owns the unit occupying the lot. This fee is deposited into the relocation fund. Park owners are only required to make-up shortfalls in the relocation fund until July 1, 1992. The requirement for park owners to make direct contributions to tenants is eliminated.

Tenants who do not qualify as low-income are no longer entitled to relocation assistance. Owners of recreational vehicles are entitled to receive their actual relocation costs, not to exceed $2,000. The Department of Community Development is required to adopt rules for the granting of waivers from the payment of relocation assistance when parks are involuntarily closed.

Mobile homes that are relocated due to the closure of or conversion of a mobile home park are not required to comply with the current codes for the sole reason of their relocation.

A fee of $15 is reimposed on every transfer of title on new or used mobile homes where ownership is changed, or when a mobile home title is eliminated. The fee does not apply to the addition or deletion of a spouse co-owner or a secured interest on the title. The fee is collected by the Department of Licensing or its authorized agents and forwarded to the state treasurer. The fee is deposited into the Mobile Home Affairs Account to support the Office of Mobile Home Affairs.

A Manufactured Housing Task Force is created to study and make recommendations regarding the structure the state should use to regulate manufactured housing. The task force is directed to examine the structures other states use to regulate manufactured housing, including the commission form.

The task force is required to submit a final report to the House Housing Committee and the Senate Commerce and Labor Committee by December 1, 1992. The task force terminates on December 31, 1992.

The task force consists of: two members of the Senate, one from each caucus; two members of the House of Representatives, one from each caucus; two representatives of mobile home park owners; two representatives of mobile home owners; one representative of the mobile home manufacturers; one representative of the mobile home dealers; one representative of mobile home transporters; one representative of local building officials; one county official from a county with a population of 100,000 or more; one county official from a county with a population of less than 100,000; one city official from a city with a population of 35,000 or more; one city official from a city with a population of less than 35,000; and one representative of local health officials. The ex officio members of the task force are the director, or the director's designee from the Department of Community Development, the Department of Licensing, the Department of Labor and Industries, and the Attorney General's Office.

Staffing for the task force will be provided by legislative staff and staff from the agencies or offices with ex officio membership.

Votes on Final Passage:

House	98	0	
Senate	45	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	41	0	
House	98	0	

Effective: July 1, 1991

EHB 1450

C 13 L 91

Providing a business and occupation tax credit for services provided by a public safety testing lab.

By Representatives Peery, H. Myers, Morris and Cooper.

House Committee on Revenue
Senate Committee on Ways & Means

Background: Nonprofit organizations pay business and occupation (B&O) tax unless specifically exempted by statute. Exemption from federal income tax does not automatically provide exemption from state taxes. Most nonprofit organizations pay B&O tax at the services rate of 1.5 percent.

Summary: Nonprofit corporations that test for public safety may receive a credit against their B&O tax liability. The credit is equal to the value of services and information related to setting of standards and testing for public safety provided to the state. The services must be provided without charge. To qualify for the credit, the corporation must be organized and operated for the purpose of setting standards and testing for pub-

lic safety; exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986; and organized with no direct or indirect industry affiliation.

The credit may not exceed the amount of tax owed. Any unused credit may be carried forward a maximum of one year.

Votes on Final Passage:

House	98	0
Senate	45	2

Effective: July 1, 1991

SHB 1452

C 231 L 91

Creating the high-speed ground transportation steering committee.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, G. Fisher, Cole, Fraser, Phillips, Rust, Haugen, Belcher, Hine, R. Meyers, Locke, Riley, Heavey, R. Johnson, Wilson, Betrozoff, Valle, Wynne, R. King, Scott, Cooper, Pruitt, Ogden, Roland, Nelson, Spanel, Brekke and Wineberry).

House Committee on Transportation
Senate Committee on Transportation

Background: Many fear that major transportation corridors in Washington are reaching unacceptable levels of congestion. Proposed improvements such as extension of the High Occupancy Vehicle (HOV) lane system, or regional high capacity systems temporarily reduce the rate at which congestion increases, but such improvements do not address cross-state or other long distance travel demands.

Congestion at Sea-Tac Airport is also increasing, and it is estimated that the airport will reach capacity by 1998. Currently, flights between Sea-Tac and Portland comprise 140 take-offs and landings per day. Shifting a majority of these trips to some other mode, such as a high-speed ground transportation system, would provide significant additional capacity at the airport.

Before the state can consider or begin planning for a high-speed ground transportation system, a number of major policy issues must be addressed. Congress has made $500,000 available to the state for this purpose, with the requirement that the state contribute an equal amount.

Summary: The governor, the chair of the Legislative Transportation Committee, and the chair of the Transportation Commission are directed to jointly appoint a 15-member High-Speed Ground Transportation Steering Committee. Membership must include cities, counties, transit, federal agencies, and the private sector. The governor or designee, four legislators, and the chair of the Transportation Commission are voting liaison members. In addition, the governor must seek non-voting liaison representation from British Columbia and Oregon.

The steering committee must study the feasibility of establishing a high-speed ground transportation system and must address a number of major policy issues.

An Office of High-Speed Ground Transportation is created within the Department of Transportation, to provide technical and administrative support to the steering committee.

The steering committee must present its final report by October 15, 1992. The report must include findings, a recommended plan for implementation, and proposed legislation to implement the next phase of a high-speed ground transportation program.

The Air Transportation Commission enabling legislation is amended to delete specific direction for that commission to study high speed ground transportation.

$500,000 is appropriated from the state Transportation Fund, which, when matched with federal funds will make $1 million available for the activities of the steering committee.

Votes on Final Passage:

House	96	0	
Senate	45	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	42	0	
House	97	0	

Effective: May 16, 1991

SHB 1454

C 83 L 91

Pertaining to the applicability of the uniform fire code to underground storage tank laws.

By House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Betrozoff and Nealey; by request of Department of Ecology).

House Committee on Environmental Affairs
Senate Committee on Environment & Natural Resources

Background: In the last few years both the state Legislature and the federal government have enacted laws governing underground tanks used to store oil, gasoline, hazardous substances, and other products that may pose a risk to health and safety and to the environment. With

some exceptions, the rules adopted by the Department of Ecology preempt local ordinances which regulate the same activity. The exceptions are for: 1) local ordinances relating to emergency response; 2) local underground tank ordinances adopted prior to November 1, 1988, which are more stringent than federal law or the uniform codes adopted by the state; and 3) local ordinances adopted prior to July 1, 1990 relating to permits and fees for tanks in street rights of way.

Summary: In addition to the other exceptions to the general state preemption of local underground tank ordinances, local government amendments to the Uniform Fire Code are not preempted if they are adopted pursuant to state law, and are not more stringent than and do not directly conflict with the rules adopted by the Department of Ecology.

Votes on Final Passage:

House	96	0	
Senate	47	1	(Senate amended)
House			(House refused to concur)
Senate	39	0	(Senate receded)

Effective: July 28, 1991

HB 1458

C 99 L 91

Ending dual registration requirements for limousine charter party carriers.

By Representatives Ludwig, Heavey, Lisk and Franklin; by request of Department of Licensing.

House Committee on Transportation
Senate Committee on Transportation

Background: Prior to 1989, (1) limousines with a seating capacity of seven or more were regulated as charter buses by the Utilities & Transportation Commission (UTC), and (2) limousines with a seating capacity of less than seven were considered taxi cabs and were required to obtain a for-hire passenger permit from the Department of Licensing (DOL). As taxi cabs, DOL also required the filing of a surety bond or proof of liability insurance.

In 1989, limousine services were placed under the regulatory authority of the UTC. Limousines are subject to the UTC's entry standard (Fit, Willing & Able), chauffeur qualifications, safety and insurance provisions, and payment of the annual regulatory fee.

Limousines with a seating capacity of less than seven are still required to register and comply with the bonding requirements of DOL.

Summary: For-hire limousine services are exempt from the taxicab permit and insurance requirements of the Department of Licensing.

Votes on Final Passage:

House	98	0
Senate	44	0

Effective: July 28, 1991

SHB 1460

C 28 L 91

Providing an alternative to drainage districts.

By House Committee on Local Government (originally sponsored by Representatives Franklin, Haugen, Ferguson and Ebersole).

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Various different local governments including counties, cities, towns, drainage districts, and drainage improvement districts, are authorized to provide drainage improvements.

Drainage districts and drainage improvement districts are special districts where the franchise is limited to property owners. Procedures exist by which the county legislative authority of a county may suspend the operations of a variety of special districts, including drainage districts and drainage improvement districts, and subsequently reactivate the special district.

Procedures exist for dissolving inactive special districts, including drainage districts and drainage improvement districts, by the county legislative authority of the county in which the district is located. It appears that a special district, such as a drainage district or drainage improvement district, that owns drainage or flood control improvements may not be dissolved unless the county accepts responsibility for operating and maintaining the facilities.

Counties are authorized to establish storm water utilities and drainage utilities.

Summary: As an alternative to other statutory procedures, a county legislative authority may, by ordinance, dissolve a drainage district or drainage improvement district that is located in a county storm drainage and surface water management utility if the district is not imposing assessments. The county assumes responsibility to pay or settle all outstanding debts of a drainage district or drainage improvement district that is dissolved under this procedure. All assets of the district become assets of the county. The county storm drainage and surface management utility may determine how

to manage, operate, and dispose of the dissolved district.

Any portion of a drainage district or drainage improvement district that is located within a first class city may be removed from the district by ordinance of the city. The removal shall not impair the obligation of a contract nor remove the liability or obligation to finance district improvements that serve the area being removed from the district.

Votes on Final Passage:
House 96 0
Senate 49 0

Effective: July 28, 1991

HB 1467

C 354 L 91

Increasing the number of district judges.

By Representatives R. Meyers, Padden, Paris, Tate, Mielke, Broback, Forner, Vance, May, Brough, Winsley, D. Sommers, Mitchell and Roland.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The minimum number of district court judges in each county is set by statute. Periodically, the number is adjusted to reflect shifts in population and caseloads.

Summary: The minimum numbers of district court judges in three counties are adjusted as follows:

- King County from 24 to 26;
- Pierce County from 8 to 11;
- Spokane County from 8 to 9; and
- Pacific County from 3 to 2.

Votes on Final Passage:
House 93 0
Senate 45 0 (Senate amended)
House 95 1 (House concurred)

Effective: July 28, 1991

HB 1470

C 97 L 91

Making appropriations for public works projects.

By Representatives Ogden, Brough, H. Sommers, Jacobsen, Schmidt, Wynne, Paris, May, Haugen, Betrozoff, Winsley, Edmondson, Cooper, Wilson, Forner, D. Sommers, Tate, Mitchell, Fraser, Spanel and R. Johnson; by request of Department of Community Development.

House Committee on Capital Facilities & Financing
Senate Committee on Commerce & Labor

Background: The Public Works Board may make low-interest or interest-free loans to help local governments finance the repair, replacement or improvement of essential public works: roads, bridges, water systems, and storm and sanitary sewage systems.

Each year, the board submits a list of projects to the Legislature for approval. The Legislature may delete a project from the list but may not add any projects or change the order of project priorities.

Summary: Sixty-five public works projects totaling $51,900,000, recommended by the Public Works Board, are authorized for fiscal year 1991. (The appropriation for these projects was included in the 1989-91 capital budget.)

Six additional public works projects totaling $6,568,000 are also authorized for fiscal year 1991. An appropriation from the public works assistance account is made to cover these six projects.

In total, 71 projects totaling $58,468,000 recommended by the public works board are authorized for fiscal year 1991.

Votes on Final Passage:
House 96 0
Senate 43 0 (Senate amended)
House 96 0 (House concurred)

Effective: May 9, 1991

HB 1480

C 266 L 91

Allowing reciprocal insurer to affect title to real property.

By Representatives R. Meyers, Mielke, Heavey, Broback, Zellinsky and Paris.

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: A reciprocal insurer, often referred to as an exchange, is an unincorporated group of persons

who join together to insure each other. The group of persons execute a power of attorney agreement authorizing a person or organization to act as the attorney in fact to transact the day to day business of the group.

Summary: The insurance code provisions governing reciprocal insurers are amended to authorize real estate transactions conducted by and through the reciprocal's attorney in fact.

Votes on Final Passage:

House	96	0
Senate	46	0

Effective: July 28, 1991

HB 1487

C 355 L 91

Regulating check cashers and sellers.

By Representatives Dellwo, Zellinsky, R. Johnson, R. Meyers, Mielke, Broback, Winsley, Inslee, Anderson, Scott, Dorn, Silver, Jacobsen and Paris.

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: More than 11 Washington companies operate check cashing businesses. A few of these companies do business at several locations. In addition to cashing checks, many of these companies lend money and issue checks, such as money orders.

Check cashing companies engaged in lending activities take advantage of the state statute governing pawnbrokers and obtain an interest rate far in excess of state usury limits. Their legal justification for their interest rate is that a personal check or similar instrument constitutes personal property within the meaning of the pawnbroker statute, thus allowing the check casher to take a post-dated check and to loan money secured by the check at pawnbroker rates.

Most check cashing companies that sell checks act as an agent for a major check company such as American Express. Some check cashing companies act as agents for other companies who forward cash such as Western Union. As agents for these companies, the check cashing companies are not relying upon their own assets to pay these checks. However, some businesses, whether calling themselves check cashing companies or not, issue checks drawn upon their own business account. A customer purchasing a check drawn upon a business' own account risks having the check later dishonored for insufficient funds.

No state statute specifically governs the activities of check sellers; nor does Washington regulate check cashing companies.

Summary: Check cashers and sellers must obtain a license to do business in Washington. Check cashers and sellers are defined as organizations that, for compensation, engage in the business of cashing or selling checks, drafts, money orders, or other commercial paper serving the same purpose.

The act does not apply to financial institutions or to other organizations that cash checks as a convenience, as a minor part of its business, and not for profit; to the issuance or sale of checks by companies with a net worth of more than $3 million; or to the issuance or sale of checks by agents of companies with a net worth of more than $5 million.

A check seller is required as a condition of licensure, to obtain and maintain a fidelity bond for officers and employees in an amount determined by the supervisor. The check seller may deposit security in lieu of a bond.

The supervisor may deny a license if the applicant or a substantial stockholder of the applicant has been convicted of certain crimes or had a prior license revoked in the 12 months preceding the new application.

Except for pawnbrokers, no licensee may lend money or credit, or engage in the business of discounting notes or checks on the same premises as the check cashing and selling business.

No licensee may cash post-dated checks unless the check is a government or payroll check payable on the next banking day, nor may a licensee hold a check for later deposit.

No licensee may engage in false or deceptive advertising and no licensee may advertise the fact that they are regulated by the supervisor of banking.

Each licensee must comply with federal currency transaction reporting laws.

A violation of the act constitutes a misdemeanor offense and is subject to the Consumer Protection Act.

The pawnbroker statute is amended to prohibit pawnbrokers from engaging in the business of cashing and selling checks unless such activity conforms to the requirements of the check cashing and selling act.

Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
House	94	0	(House concurred)

Effective: January 1, 1992

HB 1489

C 312 L 91

Adding limited new services to the current common carrier exceptions to the privacy act.

By Representatives H. Myers, May, Grant, Miller, Ebersole, Ballard, Belcher, Casada, Leonard, Hine, Bray, Appelwick, Hochstatter, R. Meyers, Morris, Cooper, Rayburn, Schmidt, Broback, Neher, Wynne, Betrozoff and Winsley.

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: A new telecommunications technology has been developed by the telecommunications industry that allows information about the calling party to be included as part of a telephone call. With the appropriate equipment connected to the telephone receiver, this technology will allow the name and number of the calling party to be displayed as the telephone rings. This calling party identification feature is sometimes referred to as "Caller ID" or "Automatic Number Identification" (ANI).

The Utilities and Transportation Commission (UTC) initiated a Notice of Inquiry on issues related to Caller ID in October 1989. The UTC inquiry started as a look at the costs, technical feasibility, uses, and privacy issues related to ANI. After receiving numerous written comments and conducting several public hearings in the summer of 1990, the commission staff recommended that the commission reject proposals for Caller ID. The commission did not accept the staff's recommendation and instead proposed to consider any Caller ID proposals on a case-by-case basis. The commission recommended that telecommunications companies wishing to offer Caller ID propose a trial of the service to test methods to address privacy concerns.

Washington State's Privacy Act generally prohibits the interception of private communications by telephone, telegraph, radio, or private conversations without the consent of all parties to the conversation. There are a number of exceptions to this general rule, including an exception for emergency calls to law enforcement, fire departments, and emergency response personnel.

The Privacy Act exempts a telecommunications company from the prohibitions of the Privacy Act for activities of the company while providing services in connection with the construction, maintenance, repair, and operations of the company's services, facilities, or equipment.

Some Washington court decisions interpreting the Privacy Act may mean that Caller ID could not be offered in this state without violating the Privacy Act.

Summary: The Washington Privacy Act is amended to exclude from the act's restrictions automatic number, caller, or location identification services that have been approved by the Utilities and Transportation Commission.

Votes on Final Passage:

House	74	24
Senate	36	13

Effective: July 28, 1991

SHB 1496

C 227 L 91

Changing the disposition of professional license fees.

By House Committee on Revenue (originally sponsored by Representatives O'Brien, Holland, Morris, Brumsickle, Leonard and Vance).

House Committee on Revenue
Senate Committee on Ways & Means

Background: The Department of Licensing (DOL) collects a variety of fees related to the licensing of occupations. The majority are deposited in the general fund. However, some fees are split between the general fund and other accounts. Twenty percent of each license fee on real estate brokers and salespersons, and professional engineers is deposited in the general fund. The remainder of the real estate fee is deposited in the real estate commission account, while the remainder of the professional engineer license fee is deposited in the professional engineers' account. In addition, 100 percent of the interest earnings on the real estate commission account and the professional engineers' account are deposited in the general fund.

Summary: All real estate and professional engineer license fees are deposited in their respective accounts.

Votes on Final Passage:

House	98	0	
Senate	40	0	(Senate amended)
House			(House refused to concur)
Senate	43	3	(Senate receded)

Effective: July 1, 1993

EHB 1500

C 183 L 91

Increasing the pay for jail labor performed by prisoners with outstanding fines and costs.

By Representatives Riley, Hargrove, Basich, Wood, Roland, Appelwick, Paris and Scott.

House Committee on Human Services
Senate Committee on Law & Justice

Background: Local jails currently have the authority to order a person into custody if he/she fails to pay fines and costs assessed against them in court within five days. The offender is required to remain in jail until the fines and costs owing are paid. The jailed offender is credited a dollar amount towards their fine for every day they spend incarcerated. If an offender chooses to work while in jail, their fine will be reduced by $35 per day. If he/she chooses not to work during their term of incarceration, they will be credited $25 a day towards their assessed fines.

Summary: The statutory dollar amount credited to a jail inmate while serving time for failure to pay fines and costs assessed against him or her in court is eliminated. The dollar amount credited towards court costs and fines for a day in jail is established by each county legislative authority.

Votes on Final Passage:

House	95	3	
Senate	38	10	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

ESHB 1510

C 289 L 91

Changing provisions relating to guardianship.

By House Committee on Judiciary (originally sponsored by Representatives R. Meyers and Padden).

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Children & Family Services

Background: In 1990, the Legislature passed a comprehensive revision of the guardianship statutes.

Right to vote: An incapacitated person subject to a limited guardianship may lose the right to vote when in the court's discretion the court determines that the person cannot rationally exercise the franchise.

Attorneys' notice of appearance: Alleged incapacitated persons have a right to an attorney at all stages of the guardianship proceedings. Attorneys who claim to represent the alleged incapacitated person must enter a notice of appearance to represent the person.

Superior court training programs: The superior court in each county must adopt a guardian ad litem training program by June 1, 1991. An advisory group of professionals with expertise in various disciplines that involve guardianships must adopt a model program. If a court fails to adopt a training program by September 1, 1992, then the court must use the model program. A person must complete the program before the person may be included in a registry of guardians ad litem.

Guardian's duties to developmentally disabled, incapacitated persons: The court must determine whether a person is incapacitated due to a developmental disability and whether the incapacity is likely to continue indefinitely. If so, then the person's guardian, rather than file annual verified accounts of the administration, may file an account every 36 months, depending on the value of the person's estate. The court may also relieve the guardian of other reporting requirements.

Standby guardians: A person appointed as a guardian must designate a standby guardian and file the designation with the court.

Deadlines for filing verified accounting: A court may terminate a guardianship if the guardianship is no longer necessary. No specific provision exists regarding the deadline for filing a verified account of the administration or regarding the type of verified account that must be filed following court ordered termination. A separate provision in another chapter on guardianship administration provides for a 30-day filing period following termination. The separate provision establishes requirements for filing an intermediate verified account of the estate and an intermediate personal care status report.

The guardian must file an annual verified account of the administration within 30 days of the anniversary date of the guardian's appointment.

Payment of guardians: Guardians and limited guardians must not be paid at "public" expense.

Guardian's power to make investments: The court may authorize a guardian to make investments for the ward as provided in the trust statutes without specific approval for each investment. The authorization is limited to a one year period or limited to the guardian's reporting interval, whichever is longer. If the court does not authorize the guardian to make a variety of investments, the guardian may only invest in unconditional interest bearing state or federal securities.

Financial institution's duties toward the incapacitated person and the guardian: A guardian may need or want access to a ward's assets held at a financial institution. Issues may arise regarding the financial institution's authority to permit the guardian to have access to the

assets and regarding the institution's liability for releasing the assets to the guardian.

Reports from physicians or psychologists: In all proceedings for appointment of a guardian, the court must receive a report from a physician or psychologist selected by the guardian ad litem.

Notice of guardianship proceedings: Notice that a guardianship proceeding has been commenced must be personally served on the alleged incapacitated person within 15 days after the petition is filed. The petition must be heard within 45 days. The person is also entitled to notice of a guardian's appointment. A guardian ad litem must file a report to the court within 20 days of appointment.

Summary: Several technical and substantive changes are made to the guardianship law provisions that were adopted in 1990.

Right to vote: An incapacitated person under a limited guardianship will not lose the right to vote unless a court specifically finds that the person is incapable of rationally exercising the franchise.

Attorney's petition for appointment as guardian: An attorney who claims to represent the alleged incapacitated person must petition the court to be appointed as the person's attorney.

Superior court training programs: The superior courts may but do not have to adopt a model training program for guardians. If a court has not adopted a guardianship training program by September 1, 1992, a candidate for inclusion in the registry of guardians must have completed a model training program elsewhere.

Guardians' duties to developmentally disabled, incapacitated persons: The special provisions governing guardians of developmentally disabled people are stricken. Guardians of the developmentally disabled must comply with the reporting requirements established for other guardians.

Standby guardians: Guardians must give the court a notice designating a standby guardian. The notice must provide the standby guardian's name, address, zip code, and telephone number.

Deadlines for filing verified accounting: When a court terminates a guardianship, the guardian must file a final verified account of the administration within 30 days of the date of termination, unless the court orders a different deadline for good cause. The account must contain the same information as required for an intermediate verified account of the estate administration and an intermediate personal care status report.

The guardian must file a written verified account of the administration annually within 90 days, instead of 30 days, of the anniversary date of the guardian's appointment.

Payment of guardians: Guardians or limited guardians must not be paid at "county or state" expense rather than "public" expense.

Guardian's power to make investments: The one year or interval reporting limitation on the guardian's authority to invest without prior court approval is removed. Once the court authorizes a guardian to invest in a variety of investments, no time limitation restricts the investment authorization.

Financial institution's duties toward the incapacitated person and the guardian: A guardian may obtain access to the ward's assets deposited at a financial institution. The guardian must prepare an affidavit to obtain those assets and must prepare an inventory list. An employee of the financial institution must observe the inventory and file a statement that the inventory appears accurate. The guardian must send a copy of the affidavit and the inventory list to the court. A financial institution may charge the guardian a fee for the inventory and the statement. A financial institution is not subject to liability for relying upon the guardian's affidavit and for delivering the assets to the guardian.

Licensed Physicians: Physicians and psychologists who report to the court must be licensed physicians, osteopaths, or licensed or certified psychologists.

Notice of the guardianship proceeding: Notice of the commencement of a guardianship proceeding must be served on the guardian ad litem as well as on the alleged incapacitated person within five days after the petition is filed. The hearing must be held within 60 days. The guardian ad litem is also entitled to notice of the appointment of a guardian. The guardian must file the report to the court within 45 days of the service of the notice of commencement of the guardianship upon the guardian ad litem rather than within 20 days of the guardian ad litem's appointment.

Technical changes are made.

Votes on Final Passage:

House	96	0	
Senate	44	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	44	0	
House	96	0	

Effective: July 28, 1991

SHB 1511
C 1 L 91

Restricting disclosure of public records containing addresses of victims of domestic violence.

By House Committee on Appropriations (originally sponsored by Representatives Anderson, Silver, Pruitt, Winsley, Leonard, Riley, Beck, H. Myers, R. King, Wynne, Van Luven, Ludwig, Orr, Brekke, Roland and Brough).

House Committee on State Government
House Committee on Appropriations
Senate Committee on Law & Justice

Background: During the 1990 Regular Session, the Public Disclosure Law was amended to generally restrict state and local government agencies from disclosing address records of persons who request that the records be maintained as confidential because disclosure would endanger them or their property. Notwithstanding its broad scope, this law was designed primarily for victims of domestic violence who need assistance in maintaining address confidentiality to reduce the risk of additional victimization by their assaultive spouses or former domestic partners.

After state and local agencies and some business groups expressed concerns that the law was too broad and not workable, the Legislature, in the 1990 Special Session, amended the law to postpone its effective date to March 1, 1991. The postponement was intended to enable the Legislature to enact a remedial law early in the 1991 Regular Session, before the March 1st effective date.

Summary: The March 1, 1991 effective date of the 1990 law restricting state and local government disclosure of certain address records is again postponed to April 19, 1991. (See SB 5906, in which the Legislature enacted the remedial law.)

Votes on Final Passage:

House	92	0	
Senate	48	0	(Senate amended)
House	93	0	(House concurred)

Effective: March 1, 1991

SHB 1525
FULL VETO

Authorizing government travel and subsistence rates for educational employees.

By House Committee on Education (originally sponsored by Representatives Schmidt, Peery, Wood, Brumsickle, Zellinsky, Wilson, Anderson and Neher).

House Committee on Education
Senate Committee on Education

Background: The State of Washington through the Department of General Administration has negotiated with the various airlines and car rental agencies and has obtained preferred rates for state employee travel. The negotiated contract with the airlines applies only to state agencies and institutions of higher education.

School districts are financed with funds from federal, state, and local sources. The school boards of each school district set their own rates of reimbursement for travel. When school district employees are reimbursed for their travel expenses, the school districts charge the travel reimbursement expense against the program or division relating to the purpose for the travel.

Educational service districts (ESDs) are financed with funds from federal and state sources. In addition, some programs are funded through cooperatives between a number of school districts. The ESDs follow Office of Financial Management guidelines regarding travel reimbursement. When ESD employees are reimbursed for their travel expenses, the travel reimbursement expenses are charged against the program or division relating to the purpose for the travel.

Summary: In order to obtain the lower state preferred travel rates, ESDs and school districts are allowed to charge travel expenses incurred by employees and board members to the Superintendent of Public Instruction (SPI). The travel must be funded by state dollars and authorized by the ESDs and school districts. The employee or board member must use the supplier giving the preferred rate. SPI bills the ESDs and school districts for any expenses paid, and the ESDs and school districts are required to reimburse SPI. The provisions allowing ESDs and school districts to charge travel expenses to SPI in order to obtain the benefit of the state preferred rates for travel expenses expire December 31, 1991, and are subject to savings language providing that these provisions shall not have the effect of impairing any contractual rights in effect as of the effective date of the act.

The state of Washington, through the Department of General Administration, is directed to take all reasonable and necessary action to include ESDs and school

districts as direct beneficiaries of any contract negotiated by the state for preferred travel rates.

A severability clause is included which provides that the invalidity of any provision or its application to any person or circumstance does not affect the remainder of the act or the application of the provision to other persons or circumstances.

Votes on Final Passage:

House	98	0	
Senate	46	0	(Senate amended)
House	93	0	(House concurred)

FULL VETO (See VETO MESSAGE)

HB 1527

C 195 L 91

Allowing mandatory continuing medical education credit in the area of professional liability risk management.

By Representatives Braddock, Moyer, Sprenkle, Edmondson, R. Meyers, Franklin and Zellinsky.

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: Physicians must meet requirements for continuing education established by rules of the Board of Medical Examiners as a prerequisite for the renewal of their licenses. Current rules make no specific reference to courses in professional liability risk management.

Summary: The Board of Medical Examiners is required to provide in its rules that completion of approved activities relating to professional liability risk management can be credited toward continuing education requirements.

Votes on Final Passage:

House	98	0
Senate	46	0

Effective: July 28, 1991

ESHB 1534

C 267 L 91

Providing training for investigating and prosecuting sexual assault cases.

By House Committee on Judiciary (originally sponsored by Representatives H. Myers, Beck, Riley, R. King, Tate, Anderson, Vance, Cooper, Ludwig, Hargrove, Padden, Bray, Rasmussen, Sheldon, Leonard, Forner, Brekke, Peery, Belcher, G. Fisher, Morris, Grant, Jones, O'Brien, Orr, Wang, Heavey, Roland, Paris and Winsley).

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Law & Justice
Senate Committee on Ways & Means

Background: Some prosecutors, law enforcement officers, public defenders, and victim advocates lack specialized training concerning sexual assault and child sexual abuse. Trained victim advocates may assist victims and their families through the investigation and prosecution of the case. Rape crisis centers currently funded through the Department of Social and Health Services could offer advocacy services for victims if funded.

Summary: The Criminal Justice Training Commission must offer an integrated, intensive training session on investigating and prosecuting sexual assault cases for prosecutors, police officers, public defenders, and victim advocates. The training must emphasize professionalism and sensitivity towards victims and their families. The commission must seek advice on the training program from prosecutors, police officers, public defenders, and the Washington coalition of sexual assault programs. The training must be self-supporting through participant fees.

Rape crisis centers eligible for funding from the Department of Social and Health Services may apply for grants for hiring and training victim advocates to assist victims and their families through the investigation and prosecution of sexual assault cases. The victim advocates must complete the training program offered by the Criminal Justice Training Commission or at the center's option, an alternative training program. Non-state funding sources must provide 25 percent of the funding for the victim advocate grants. The grant program is subject to funding in the budget.

The legislature finds that sexual assault cases are difficult to prosecute successfully, that victim advocates may assist the victims and their families through investigation and prosecution, and that counties should give sexual assault cases priority, especially when the victims are children.

Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 1, 1991

HB 1536

C 119 L 91

Continuing hospice services an additional two years for medical assistance recipients.

By Representatives Anderson, Moyer, Sprenkle, Paris, Wynne, Jacobsen and Winsley.

House Committee on Appropriations
Senate Committee on Health & Long-Term Care

Background: Hospice care is generally recognized as the broad spectrum of care provided to terminally ill patients. The focus of hospice care is on physical and psychological comfort rather than cure. The objective of hospice care is to keep the patient at home, with in-patient hospital care used only as necessary.

During the state fiscal year 1990, 26 eligible Medicaid recipients elected hospice services. Current law includes a sunset provision for termination of optional Medicaid hospice benefits on June 30, 1991.

Summary: This bill extends the sunset of optional Medicaid hospice benefits to June 30, 1993.

Votes on Final Passage:

House	96	0	
Senate	43	0	(Senate amended)
House	95	0	(House concurred)

Effective: May 9, 1991

HB 1558

C 196 L 91

Improving the state patrol compensation survey.

By Representatives R. Meyers, R. Fisher, Schmidt, Orr, Hargrove, G. Fisher, Cooper, Zellinsky, Holland, Winsley, Betrozoff and Ludwig; by request of Legislative Transportation Committee.

House Committee on Transportation
Senate Committee on Transportation

Background: The Department of Personnel (DOP) is responsible for conducting an annual salary survey for the commissioned personnel of the Washington State Patrol (WSP).

The WSP and the DOP jointly submit the plan for the salary survey to the director of financial management and the Legislature's Ways and Means and Appropriations committees. The plan is submitted six months before the survey is conducted. When the survey is completed, the results are submitted by the DOP to legislative appropriations committees.

Concerns have been expressed that the current survey does not include the jurisdictions against which the WSP is competing in the recruitment and retention of commissioned officers.

Summary: The Washington State Patrol (WSP) commissioned officers' salary survey is broadened to reflect all forms of compensation. The survey is also broadened to include entry-level officer candidates.

The compensation survey will compare median and base range averages, as well as weighted averages of salaries.

The DOP is to compare WSP personnel compensation with law enforcement officers' compensation in competitive labor markets.

The WSP is directed to submit recommendations with the DOP's survey plan and results. The plan and results, with those recommendations, are to be submitted to the Legislative Transportation Committee in addition to the other entities already receiving them.

Votes on Final Passage:

House	93	0	
Senate	43	0	(Senate amended)
House	93	0	(House concurred)

Effective: July 28, 1991

ESHB 1571

C 90 L 91

Requiring a recount by hand of election returns that have a difference of less than one-fourth of one percent.

By House Committee on State Government (originally sponsored by Representatives Jones, McLean, Anderson, Hargrove, Ferguson, Phillips and Jacobsen).

House Committee on State Government
Senate Committee on Governmental Operations

Background: The Election Code permits a candidate for an office who failed to be nominated or elected at a primary or election to request that the votes for the office be recounted. An officer of a political party may also request that the votes for an office be recounted. Any group of five or more registered voters may request that the votes for a ballot measure be recounted. The application must be filed within three days (excluding weekends and holidays) of the date that the county

canvassing board or the secretary of state has declared the results of the primary or election to be official.

The applicant must state whether the recount is to be conducted manually or by a vote tallying device. The recount must be conducted within five days of the date the application is filed with the county or, for a multi-county office or issue, within five days of the date the county receives the request from the secretary of state. Such a recount is provided on a fee-for-service basis, unless the recount results in a change in the outcome of the primary or election.

State law mandates that a recount be conducted, without charge to the parties involved, if the difference in the votes cast for the top two candidates for an office is not more than 0.5 percent of the total number of votes cast for both candidates.

Summary: If the difference in the votes cast for the top two candidates for an office in not more than 0.25 percent, the recount mandated by state law must be conducted manually.

A deadline is established by which the secretary of state must direct the county canvassing boards to conduct a recount of the returns for a multi-county office if the recount is mandated by state law. The secretary must issue the directive within three business days of the date the returns for the office have first been certified by the canvassing boards.

After being counted, the votes cast in any single precinct may not be recounted more than twice.

Repealed is a provision which applies to requests for recounts filed after a recount has reversed the outcome of a primary or election. The repealed provision permits a person or ballot measure's group whose fortunes were reversed by the recount to apply for a recount of only those ballots which have not been recounted.

Votes on Final Passage:

House	97	0
Senate	46	0

Effective: July 28, 1991

EHB 1572

C 232 L 91

Requiring additional labeling on salmon sold for human consumption.

By Representatives Spanel, Wilson, R. King, Morris, Haugen, Orr, Cole, Fuhrman, Padden, Kremen and Paris.

House Committee on Fisheries & Wildlife
Senate Committee on Environment & Natural Resources

Background: Consumers in Washington State are protected from mislabeled foods sold within the state under both state and federal law. Under state law, using false or misleading labels is generally defined as misbranding. Some food items, such as halibut and poultry, have provisions that specifically describe certain acts that constitute misbranding.

The Department of Agriculture is the state agency primarily responsible for implementation of provisions that prohibit misbranding. The department may issue an embargo of a misbranded food product or may seek an injunction through the attorney general, restraining a person from violating misbranding provisions. Criminal penalties may also be sought against a violator. For a second conviction, a violator may be subject to a maximum of 30 days in jail.

Summary: Fresh or frozen salmon that is offered for retail sale must be labeled and advertised showing the common name of the salmon species, whether it is farm raised salmon or commercially caught salmon and whether it is domestic or imported salmon, and, if Washington-caught or Washington-grown, that it is Washington-caught or Washington-grown.

Violations of these provisions constitute misbranding.

The Department of Agriculture, in consultation with the Department of Fisheries, must establish reasonable identification standards for salmon and develop a method to administratively enforce provisions of the bill.

The act is null and void unless specifically referenced by bill number in the omnibus appropriations act.

Votes on Final Passage:

House	98	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

HB 1581

C 101 L 91

Placing the burden of proof on utilities to show that certain operations are not subject to regulation.

By Representatives Grant, Miller and Rasmussen; by request of Utilities & Transportation Commission.

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: The Utilities and Transportation Commission has regulatory authority over a variety of utility activities, including public water systems. The commission has authority to regulate all water systems with

more than 100 customers and water systems with fewer than 100 customers if the gross revenue per customer is less than $300 per year. The commission may increase this gross revenue limitation based on changes in inflation. The burden of establishing that a water system is within the commission's jurisdiction falls on the commission. All regulated utilities, including regulated water systems, must file rates with the commission. The rates must be just, fair, reasonable, and sufficient. The commission may order a regulated utility to modify its rates if the commission determines the rates violate statutory provisions.

The commission's authority to establish rates and charges for line extensions, service installations, and service connections is ambiguous.

Summary: In cases before the Utilities and Transportation Commission initiated prior to July 1, 1994, and involving the question of whether a water system is subject to the commission's jurisdiction, the water system has the burden of establishing that it is exempt from regulation if the water system fails to provide sufficient information to enable the commission to make the determination.

The commission has jurisdiction to establish rates for line extensions, service installations, and service connections for water systems. If a system has not specified a tariffed rate for these activities, the commission shall determine the fair, just, reasonable, and sufficient rate. In a proceeding on these rates, the burden is on the water company to justify its proposed charges.

Votes on Final Passage:

House	95	1	
Senate	43	3	(Senate amended)
House	93	1	(House concurred)

Effective: July 28, 1991

SHB 1586

C 158 L 91

Providing criteria for exempting continuing care retirement communities.

By House Committee on Health Care (originally sponsored by Representatives D. Sommers, Prentice, Moyer, Paris, Braddock and Franklin).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: A continuing care retirement community is a retirement residence that provides shelter and health or personal care services by contract to a resident for the duration of the person's life or for a fixed term.

A continuing care retirement community is subject to the state Certificate of Need Law, which requires prior review and approval by the secretary of health for the development and construction of a retirement residence and any nursing facility connected with it.

However, a Certificate of Need from continuing care retirement communities is not required where they: 1) serve only contractual members; 2) provide a guaranteed range of services; 3) assume responsibility for costs of service; 4) have existed since January 1, 1988 in operating a nursing home; 5) relieve the Department of Social and Health Services of any financial liability for services to members; 6) do not operate any nursing home beds in excess of one for every four living units; and 7) have not increased the number of nursing home beds after January 1, 1988 without a professional review of pricing and long term solvency that is fully disclosed to the members.

Summary: A Certificate of Need is not required for the development and construction of the retirement residence of a continuing care retirement community.

However, a nursing facility connected with the community is reviewable, but an exemption is provided for continuing care retirement communities that: 1) serve only contractual members; 2) provide a guaranteed range of services; 3) assume responsibility for costs of service; 4) have existed since January 1, 1988 in operating a nursing home; 5) relieve the department of any financial liability for services to members; 6) do not operate any nursing home beds in excess of one for every four living units; and 7) have obtained a professional review of pricing and long term solvency.

To qualify for an exemption from Certificate of Need, a continuing care retirement community must document that it qualifies for an exemption.

Votes on Final Passage:

House	97	0	
Senate	39	8	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

HB 1607

C 36 L 91

Providing for liens for delinquent service charges of storm water control facilities and city-owned sewer systems.

By Representatives Horn, Roland and Haugen.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Local governments are authorized to provide a variety of utility services, and may impose rates or charges for the service. The government also possesses a lien for delinquent rates or charges on the property on which the rates or charges were imposed. Some of the lien foreclosure procedures limit the number of days after the date of the initial delinquency that a lien continues to exist, unless the local government files a notice of the lien with the county auditor.

The process for cities and towns to enforce and foreclose sewerage liens includes a limitation that a lien on delinquent sewer service charges exists for only six months without filing a notice of the lien with the county auditor. Once a notice has been filed, the lien continues for subsequent delinquent charges, but the city or town must foreclose the lien within two years from the date of filing the notice.

General law permits the county treasurer to include various non-property tax billings, such as notices for utility service charges, along with the notice of property taxes that are due. The procedure for foreclosing delinquent property taxes does not include a limitation on the time period for which the lien exists without filing a special notice of the delinquency with the county auditor.

Summary: Counties operating storm water utilities may use the procedures by which property taxes are foreclosed for their liens on delinquent storm service charges instead of using the procedures by which cities and towns foreclose delinquent sewer service charges.

Cities and towns may adopt a resolution providing that their liens on delinquent sewer service charges are effective for up to one year before recording a notice of the lien with the county auditor.

Votes on Final Passage:

House	93	0
Senate	45	0

Effective: July 28, 1991

ESHB 1608

PARTIAL VETO

C 326 L 91

Improving services for children.

By House Committee on Human Services (originally sponsored by Representatives Leonard, Winsley, Rasmussen, Beck, Anderson, Hargrove, Brekke, Bowman, Dorn, Hine, Rust, Riley, Spanel, H. Myers, Dellwo, Phillips, Haugen, Jacobsen, Jones, R. King, Pruitt, Basich, R. Johnson, Van Luven, Holland, Valle, Paris, Belcher, Sheldon and O'Brien).

House Committee on Human Services
House Committee on Appropriations
Senate Committee on Children & Family Services

Background: The number of group home beds for children has declined dramatically over the past 10 years. The decline in the number of group home beds occurred at a time of increasing child abuse and neglect and increasing alcohol and drug abuse by children. The result is that children who require the structured environment provided by group homes are instead being served in family foster care, or in programs intended for runaways or for children from families experiencing a family conflict which could be resolved through family counseling and short-term residential programs. Consequently, children requiring group home care have not received it; children and families requiring assistance in resolving family conflicts have not received that assistance, and foster parents have been forced to serve children who are not appropriate for foster home care. Increasing numbers of children are involved in destructive lifestyles of drug and street gang activity. The State lacks services for juvenile offenders which provide constructive alternatives to drugs and gang involvement.

Children with emotional and mental disorders may come in contact with several child-serving systems such as schools, child welfare programs, mental health programs, and juvenile justice programs. The current system of mental health care tends to look at the problem experienced by a child in isolation from other aspects of the child's life. This categorical approach to mental health results in a fragmented, uncoordinated array of services provided to children. The Federal Early, Periodic, Screening, Diagnosis and Treatment (EPSDT) Program can be used to provide mental health services to eligible children through the medicaid program.

Summary: The Department of Social and Health Services is authorized to assess a representative sample of children in its care to determine the appropriate level of residential and treatment services needed. By December 1, 1992, the department will recommend to appropriate

legislative committees the reallocation of children's services funding. The Department of Social and Health Services is authorized to establish a contracted three-step treatment program for juvenile offenders. The program will be culturally relevant and appropriate and will provide institutional, community residential, and transitional services for selected juvenile offenders. The department may also establish a therapeutic family home program for up to 15 dependent youth who have been abused, neglected, or abandoned.

Transitional living programs for dependent children are authorized. Foster parents will receive written notice five days prior to the removal of a foster child in their care except under very limited circumstances.

The Office of Financial Management (OFM) will perform an inventory of publicly funded programs providing mental health services to children in the state and report to appropriate legislative committees by December 1, 1991. OFM will also develop a plan and criteria for the use of early, periodic screening, diagnosis, and treatment services for children with mental health needs. Each mental health regional support network will begin a local planning process for the delivery of children's mental health services which includes all appropriate agencies and organizations at the local level.

Votes on Final Passage:

House	94	3	
Senate	44	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	41	0	
House	87	0	

Effective: July 28, 1991

Partial Veto Summary: The requirement that the Department of Social and Health Services assess children in their care to determine the appropriate level of residential and treatment services is removed. The ability of individuals who are subject to reprisal or retaliation by the Department of Social and Health Services to seek judicial review is removed. The requirement that the Department of Social and Health Services provide foster families with five days written notice of a decision to transfer a foster child is removed. (See VETO MESSAGE)

ESHB 1624

C 356 L 91

Changing provisions relating to the housing trust fund.

By House Committee on Housing (originally sponsored by Representatives Nelson, Mitchell, H. Sommers, Jacobsen, Winsley, R. Johnson and Phillips).

House Committee on Housing
House Committee on Facilities & Financing
Senate Committee on Commerce & Labor

Background: The Housing Trust Fund Program, established in 1986, provides either loans or grants, or both, to local governments, nonprofit organizations, and public housing authorities to increase the availability and affordability of housing for very low-income households or households with special housing needs. The household's income cannot exceed 50 percent of the median income, adjusted for household size, for the county where the project is located.

Activities eligible for assistance through the Housing Trust Fund Program include, but are not limited to: (a) new construction, rehabilitation, or acquisition of housing for low-income households or homeless shelters; (b) rent or mortgage guarantees and subsidies for new construction or rehabilitated housing units; (c) matching funds for social services directly related to housing for populations with special housing needs; and (d) technical assistance, including pre-construction technical assistance, needed to develop housing for very low-income households or households with special housing needs.

Program provisions: The Department of Community Development is directed to have at least two funding rounds a year to award funds to eligible organizations. Thirty percent of the funds awarded in any round must go to the state's rural areas.

In awarding funds through the Housing Trust Fund program, first priority must be given to applicants that will use privately owned housing stock, including privately owned housing stock purchased by nonprofit public development authorities. Second priority for funding is given to applicants that will use existing publicly owned housing stock, including housing owned or purchased by a public housing authority.

Applications for housing trust fund assistance are given preference based on: (a) the amount of other funds committed to the project; (b) the applicant's contribution to the project; (c) the local government's contribution to the project; (d) projects that encourage ownership, management, and other project-related opportunities; (e) housing that will be available to very low-income persons for at least 15 years; (f) the applicant's ability, stability, and resources to implement the

project; (g) projects that serve the greatest need; and (h) projects that provide housing for persons and families with the lowest incomes.

Summary: Statutory references to the Housing Trust Fund Program are removed and the Housing Assistance Program is created as the funding program in the housing trust fund. The Affordable Housing Program is created, in the Department of Community Development, to provide assistance in the development of affordable housing for low-income households.

Housing Assistance Program: The Housing Trust Fund Program is renamed the Housing Assistance Program. The Housing Assistance Program is funded from revenue through the Housing Trust Fund and other legislative appropriations.

The activities that are eligible for assistance under the Housing Assistance Program are expanded to include: (a) temporary rental and mortgage payment subsidies to prevent homelessness; (b) down payment or closing costs for first-time home buyers; and (c) projects that make housing more accessible to families with members who have disabilities.

The requirement that the Department of Community Development have at least two funding rounds a year is deleted. The administrative costs paid to the department, from the Housing Trust Fund, is reduced from 5 percent of annual revenue to 4 percent of annual revenue. Annual revenue is monies made available to the department for distribution to housing trust fund projects. The department is required to award 30 percent of funds to rural areas, as defined by the department, each funding cycle, unless not enough suitable applications are received. The department is required to provide for a geographic distribution of housing trust funds on a state-wide basis. The department is directed to adopt policies to protect the state's interest in housing projects financed through the Housing Assistance Program.

Appropriations from the capital budget for the Housing Assistance Program can only be used for: a) new construction, rehabilitation, or acquisition of low and very-low income housing units; and b) acquisition of housing units to preserve their use as low-income housing. Repayments made from projects funded with capital budget monies may not be used for the administrative costs of the department or pre-construction technical assistance.

The funding priority for projects that use existing privately owned housing stock is expanded to include privately owned housing stock purchased by a public housing authority. The definition of privately owned housing stock is expanded to include housing acquired by a federal agency through default on a mortgage by the private owner. The low-income occupancy requirement for housing financed with funds from the housing trust fund or legislative appropriations is increased from 15 years to 25 years.

The criteria used by the department to evaluate applications for assistance is expanded to include: a) the project's location and access to available public transportation services; and b) the project's location and access to employment centers in the region or area. The evaluation criteria and process is revised to allow the department the flexibility to use appropriate evaluation criteria for a specific type of housing project. When evaluating applications, similar criteria must be used for similar categories of projects.

Affordable Housing Program: The Affordable Housing Program is created in the Department of Community Development. The purpose of the program is to provide either loans or grants or both to local governments, public housing authorities, and nonprofit organizations to increase the availability and affordability of housing for low-income households using a variety of public/private partnerships. Households that receive assistance through the program may not have incomes that exceed 80 percent of median income, adjusted for household size, for the county where the project is located.

Affordable housing is defined as residential housing for rental or private individual ownership which requires the payment of monthly housing costs that do not exceed 30 percent of the household's income.

First-time home buyer is defined as an individual or his or her spouse who have not owned a home during the prior three-year period.

Low-income household is defined as a single person, family, or unrelated persons living together whose adjusted income is at or below 80 percent of median family income, adjusted for household size, for the county where the project is located.

The activities that are eligible for assistance through the Affordable Housing Program include, but are not limited to: a) new construction, rehabilitation, or acquisition of housing for low-income households; b) rent subsidies in new construction or rehabilitated multifamily units; c) down payment or closing costs assistance for first-time home buyers; d) mortgage subsidies for new construction or rehabilitation of eligible multifamily units; and e) mortgage insurance guarantee or payments for eligible projects.

The department is directed to develop criteria to evaluate applications for assistance through the Affordable Housing Program. In developing the criteria for the program, the department is to request input from the existing low-income assistance advisory committee. The department is directed to adopt policies to protect

the state's interest in housing projects financed through the Affordable Housing Program.

Votes on Final Passage:

House	94	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 28, 1991

HB 1625

C 31 L 91

Removing the requirement for the development of a plan for voluntary combined reporting for agricultural employers.

By Representatives McLean, Rayburn, Nealey, Kremen, Chandler, Grant, Fuhrman, Ballard, Moyer and Rasmussen.

House Committee on Commerce & Labor
Senate Committee on Agriculture & Water Resources

Background: In 1989, the Legislature directed the Employment Security Department, the Department of Labor and Industries, the Department of Licensing, and the Department of Revenue to develop a plan for a program that would allow agricultural employers to report and pay state taxes to the agencies in one report. This plan for voluntary combined reporting is to be implemented by January 1, 1992.

Summary: The requirement is repealed that the Employment Security Department, the Department of Labor and Industries, the Department of Licensing, and the Department of Revenue develop and implement a plan for voluntary combined reporting of state taxes for agricultural employers.

Votes on Final Passage:

House	98	0
Senate	47	0

Effective: July 28, 1991

SHB 1629

C 320 L 91

Redefining the practice of chiropractic.

By House Committee on Health Care (originally sponsored by Representatives Prentice, Wood, R. Meyers, Franklin, Day, Miller, Ludwig, Morris, Pruitt, Brough, Braddock, Anderson, Betrozoff, Cooper, Fuhrman, R. King, McLean, Cantwell, Leonard, Kremen, Nealey, Phillips, P. Johnson, Wynne and Dorn).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: The State regulates and licenses chiropractors. Chiropractors primarily detect and correct neuronal disturbances of the spine by adjusting and manipulating the vertebral column and its immediate articulations.

There is no peer review process established by law for evaluating the quality, utilization and cost of chiropractic services provided to the public.

Chiropractors may identify themselves as "chiropractors," "D.C.," "D.C.Ph.C.," or "Dr." in conjunction with the word chiropractic or chiropractor. The use of the title "chiropractic physician" is not presently authorized. However, the use of the title of "physician" is not prohibited by law if it is employed in connection with a description of another branch of the healing arts.

Chiropractors licensed in other states may be granted a license to practice in this state, if their states of origin have standards equal to those in Washington, and they complete examinations in chiropractic, x-ray and adjustment.

There is no exemption from the requirement of licensure provided for chiropractors licensed in other states practicing temporarily in this state, students, clinical postgraduate trainees, or eligible applicants for the examination practicing chiropractic in this state.

Summary: A peer review committee is established, composed of eight chiropractors, a member of the Chiropractic Disciplinary Board who serves as chair, a representative of the insurance industry, and a member representing the state Department of Labor and Industries. The members of the committee are appointed by the Chiropractic Disciplinary Board.

Peer review may be requested by a patient, a state agency or a chiropractor. Peer review includes an evaluation of appropriate quality, utilization and the cost of chiropractic services provided to a patient. It excludes issues associated with licensure, scope of practice and discipline. The Chiropractic Disciplinary Board determines each request for review as appropriate for either review by the Peer Review Committee, voluntary

mediation or discipline. The costs associated with peer review proceedings are to be borne by the chiropractic profession as general regulatory costs, except that the board must assess a fee if the requesting party is a chiropractor or third party.

Findings and recommendations of the Peer Review Committee must be submitted to the board for approval, and are appealable to the board. The committee may file complaints with the board in those cases involving any alleged unprofessional conduct.

The board is required to report to the Legislature on a biennial basis summarizing its peer review activities.

Chiropractors may refer to themselves as "chiropractic physicians" in addition to other titles authorized by law.

Chiropractors licensed in US territories, the District of Columbia, Puerto Rico, and Canada, as well as in other states, may be granted a license to practice in this state if those jurisdictions have qualifications substantially equivalent to those in Washington, and if applicants complete any examinations required by the board.

Exemptions from licensure are provided for chiropractors from other jurisdictions practicing temporarily in this state, for regular senior students enrolled in accredited chiropractic schools, for clinical postgraduate trainees, and for eligible applicants for the licensing examination who practice under the direct supervision of a licensed chiropractor. Persons exempted from licensure are subject to disciplinary procedures provided by law.

Votes on Final Passage:

House	75	21	
Senate	43	3	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

SHB 1635

C 175 L 91

Providing for taxes to fund emergency medical care services.

By House Committee on Local Government (originally sponsored by Representatives Haugen, Day, D. Sommers, Nealey, Orr and Wynne).

House Committee on Local Government
House Committee on Revenue
Senate Committee on Governmental Operations

Background: Any county, city or town, emergency medical service district, public hospital district, or fire protection district is authorized to impose a property tax levy up to 25 cents per $1,000 of assessed value of property for the provision of emergency medical services. The levy is a regular property tax levy that is imposed, if approved, for up to a six-year period.

If a county levies the tax for emergency medical services, then no other taxing district within the county may levy the tax, except that if the county levies less than the full 25 cents, then another taxing district may levy a tax equal to the difference between the 25 cents and the rate levied by the county.

Summary: An additional property tax levy of 25 cents per $1,000 of assessed value, or a total of 50 cents per $1,000 of assessed value, may be imposed by a county, city or town, emergency medical service district, public hospital district, or fire protection district for emergency medical services.

No taxing district may levy this additional 25 cents if there is pro rata reduction or elimination of levy rates for junior taxing districts within the boundaries of the taxing district. The additional 25 cent levy does not affect pro rata rationing among taxing districts.

Votes on Final Passage:

House	96	0
Senate	46	0

Effective: July 28, 1991

HB 1642

C 219 L 91

Modifying the definition of disposable income for senior citizen tax relief.

By Representatives Fraser, Brumsickle, Van Luven, Phillips, Holland, Rasmussen, Winsley and Bowman.

House Committee on Revenue
Senate Committee on Ways & Means

Background: Qualifying senior citizens and retired disabled persons are entitled to a property tax exemption on their principal residence. To qualify a person must be 61 on January 1st of the application year, or retired from employment because of a physical disability. In addition, the disposable income of the applicant's household must fall below $18,000 a year.

Disposable income is the sum of federally defined adjusted gross income and the following if not already included: capital gains, deductions for loss, depreciation, pensions and annuities, military pay and benefits, veterans benefits, social security benefits, dividends and interest income.

Summary: Capital gain from the sale of a principal residence is no longer added to federally defined adjusted gross income in the income calculation for the senior citizen property exemption program. This exemption covers that portion of capital gain not taxed by

the federal internal revenue code because the capital gain is transferred to a new principal residence. Also, the gain from sale of a personal residence which is not subject to federal income tax under the one-time exclusion for persons over 55 years of age is not added to federal adjusted gross income in the income calculation for the senior citizen property tax exemption program to the extent it is reinvested in a new principal residence.

Votes on Final Passage:

House	98	0	
Senate	44	0	(Senate amended)
House	91	0	(House concurred)

Effective: July 28, 1991

SHB 1649

C 307 L 91

Updating municipality water discharge fees.

By House Committee on Environmental Affairs (originally sponsored by Representative Rust; by request of Department of Ecology and Office of Financial Management).

House Committee on Environmental Affairs
House Committee on Revenue
Senate Committee on Environment & Natural Resources

Background: Initiative 97, approved by the voters in 1988, includes a provision directing the Department of Ecology to establish a fee schedule for pollution discharges for which the discharger has a permit. The initiative directs the department to establish an initial fee schedule by March 1, 1990. The fee schedule may be adjusted every two years. The fees are to be based on the complexity of permit issuance and compliance. They may also be based on the level and toxicity of the pollutants discharged. The fees are to be set to fully recover the department's costs in processing permits, conducting inspections, obtaining laboratory analysis, and reviewing plans. In April 1990, the department adopted the fee schedule.

The initiative sets a maximum fee that may be imposed on municipal domestic wastewater facility permits. The fee may not exceed five cents per residence per month.

Summary: The maximum fee for municipal domestic wastewater facility permits is increased to 15 cents per residence per month.

Votes on Final Passage:

House	64	34
Senate	27	20

Effective: July 28, 1991

2SHB 1671

PARTIAL VETO

C 202 L 91

Changing provisions relating to growth strategies.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Riley, R. Meyers, Jacobsen, Heavey, Roland, Hine, O'Brien, Rust, Betrozoff, Paris, Scott, Fraser and Wineberry).

House Committee on Transportation
House Committee on Transportation
Senate Committee on Transportation

Background: Current access controls to state highways are limited. There are some limited access highways. Cities control access to state highways within city limits. Access to the remainder of the system is dealt with in terms of consideration for points of access including safety and capacity considerations. Control of access to city and county roads rests with those jurisdictions.

Motor vehicles in Washington's metropolitan areas are a major source of emissions or air contaminants and traffic congestion on the state's roads and highways.

Transportation Demand Management (TDM) is a concept describing transportation strategies for reducing the number of vehicles on the roads and highways, particularly single-occupant vehicles. Examples of these strategies are car pools, van pools, employer-subsidized transit passes and parking fees at market rates.

Summary: The Department of Transportation (DOT) is directed to establish an access program for all state highways. Legislative findings recognize property owners' rights to reasonable access to the system but make those rights subordinate to the public right to a safe and efficient highway system. Permits are required for access to highways, except that unpermitted connections to state highways in use prior to July 1, 1990, are grandfathered, and existing permitted connections remain valid unless property use is changed.

By January 1, 1993, the DOT is to adopt rules governing implementation of an access classification system in consultation with counties, cities and planning organizations. Access standards for state highways within cities must be approved by the City Design Standards Committee. Cities retain permitting authority for non-limited access highways within cities. The rules

must address local land use and zoning, transportation needs, access needs, and other considerations.

All public and private employers with 100 or more employees who commute during rush hour must develop a program for reducing the number of single-occupancy trips by their employees. The program applies to counties whose populations are greater than 150,000. Currently, King, Pierce, Snohomish, Clark, Spokane, Kitsap, Thurston, and Yakima counties meet this definition. Employers must reduce single-occupancy trips by 15 percent by 1995, 25 percent by 1997 and 35 percent by 1999. Jurisdictions implementing a commute trip reduction plan will review and monitor employers' work plans and may impose civil penalties if an employer fails to implement or make necessary changes to its trip reduction program.

A task force of representatives of local, state and private employers or owners of major work sites, and private citizens must establish guidelines for the counties and cities to ensure their consistent implementation of transportation demand management (TDM) goals. The task force may also grant waivers or permit modified trip reduction programs for those employers who, as a result of special characteristics of their business, are unable to meet the requirements of a commute trip reduction plan. The task force must review progress toward implementing commute trip reduction plans and programs and must make recommendations to the Legislature by December 1, 1995, and December 1, 1999. The December 1, 1995 report must include recommendations regarding the extension of the commute trip reduction program to employers with 50 or more full-time employees.

Counties and cities may require commute trip reduction programs for employers with 10 or more employees in federally designated non-attainment areas for carbon monoxide and ozone. Counties and cities must develop the programs in cooperation with affected employers and provide technical assistance to employers in implementing their programs.

The State Energy Office must create a technical assistance team to provide staff support for the task force, and to provide training, information and assistance to employers.

The Department of General Administration must coordinate with an interagency task force to develop a trip reduction plan for state facilities qualifying for the program in the designated counties.

If TDM does not receive funding from the Clean Air Act, then the trip reduction requirements are no longer valid.

Votes on Final Passage:

House	84	14	
Senate	45	1	(Senate amended)
House	94	0	(House concurred)

Effective: July 1, 1991

Partial Veto Summary: The governor vetoed the sections of the bill providing codification instructions and directing that the Transportation Demand Management (TDM) requirements would not be valid if funding was not provided. The governor's veto message stated that these vetoes were to ensure that the revenue raised in the clean air bill could be used for the TDM activities prescribed in 2SHB 1671.

The TDM requirements were originally part of the clean air bill, ESHB 1028, and were to be codified in the Washington Clean Air Act. When the TDM requirements were moved from ESHB 1028 to 2SHB 1671, codification of these sections was changed to other RCW chapters. However, as enacted, ESHB 1028 permits expenditures only for the clean air bill and the relevant chapters of the Washington Clean Air Act. The governor vetoed the TDM codification directions in 2SHB 1671 and requested the code reviser to place the TDM sections of the bill into the Clean Air Act. He also vetoed the null and void clause that applied to the TDM sections of the bill. (See VETO MESSAGE)

HB 1675

C 197 L 91

Establishing civil docket priority for parties over seventy years of age or terminally ill.

By Representatives Inslee, Riley, R. Meyers, Roland, Winsley, Ludwig, Orr, H. Myers and Wineberry.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Due to court congestion and backlog, civil cases may not go to trial for several months or even years. In some cases, elderly or terminally ill litigants die before their cases go to trial.

Summary: When setting civil cases for trial, unless otherwise provided by statute, upon motion of a party, the court may give priority to cases in which a party is frail and over 70 years of age or is suffering from a terminal illness.

Votes on Final Passage:

House	96	0	
Senate	44	0	(Senate amended)
House	93	0	(House concurred)

Effective: July 28, 1991

ESHB 1677

C 309 L 91

Updating population criteria for high capacity transportation programs.

By House Committee on Transportation (originally sponsored by Representatives Cooper, R. Fisher, Peery, Ogden, H. Myers, Morris, Jacobsen and Winsley).

House Committee on Transportation
Senate Committee on Transportation

Background: Legislation enacted in 1990 prescribes a process for local jurisdictions to follow in assessing the need for and planning of high capacity transportation (HCT) systems. Agencies in King, Pierce, Snohomish, Thurston, Clark and Spokane counties were granted local option taxing powers to fund such systems. The taxing authority is an up to 1 percent sales tax, 0.8 percent motor vehicle excise tax (MVET) and a $2 per month employer tax. This taxing authority is in addition to local option taxes for transit services. The 1990 census will result in deletion of Thurston County from this group and addition of Skagit County.

HCT agencies conducting planning are required to establish a regional policy committee to guide the planning process. The committees are to reflect proportional representation based on population within the designated systems' service areas.

A 10-member Expert Review Panel (ERP), appointed jointly by the governor, the secretary of transportation and the chair of the Legislative Transportation Committee (LTC), is responsible for oversight of HCT planning. The ERP is to evaluate the legitimacy of forecasts, cost estimates, and conclusions reached in the analysis of alternatives prepared regarding high capacity investments. The ERP is to report to the state appointers and to the agency whose planning is being evaluated.

Funding to conduct high capacity planning by transit agencies is provided from the High Capacity Transportation Account (HCTA). Account funds are generated from the margin created by a reduction in the existing authorized rate of MVET, from 0.815 percent to 0.7824 percent, which public transportation agencies located in King, Pierce, Snohomish, and Thurston counties may impose. These counties are identified by class of county, and the 1990 census results will delete Thurston County from this group and add Skagit County. The amount of the reduction for all systems, approximately $7 million per biennium, is deposited in the HCTA.

Summary: The number of transit systems contributing to the High Capacity Transportation Account is expanded to include Clark, Spokane, and Kitsap counties.

Transit systems outside the central Puget Sound area may designate a metropolitan planning organization as the regional policy committee for high capacity transportation (HCT) planning.

Instead of 10 members, the number of members of an Expert Review Panel (ERP) may range from five to 10. For planning efforts involving counties adjoining another state or nation, the ERP is to be selected cooperatively with representatives of the adjoining state or nation. ERP comments and conclusions are to be provided to representatives of those entities.

Local taxing authority for HCT systems is extended to agencies in Yakima and Kitsap counties and removed from Skagit County.

A section to repeal RCW sections in Substitute House Bill 1201 common to this bill is added.

Votes on Final Passage:

House	83	15	
Senate	46	1	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

ESHB 1686

C 256 L 91

Creating an incentive program for inmates.

By House Committee on Human Services (originally sponsored by Representatives Hargrove, Riley, Tate, Prentice, Padden, H. Myers, Kremen, Dorn, Morris, Jacobsen, Roland, Pruitt, Valle, Betrozoff, Brekke, Paris, Scott, Inslee, Basich, Sheldon and Wineberry).

House Committee on Human Services
House Committee on Capital Facilities & Financing
Senate Committee on Law & Justice

Background: The Department of Corrections provides inmates work programs through the Division of Correctional Industries. The Division of Correctional Industries develops and implements programs that offer inmates employment, work experience and training and that reduce the cost of administering and housing inmates. To achieve these goals, Correctional Industries operates five classes of work programs. These program are referred to as Class I through Class V programs.

All inmates working in Class I through IV employment receive financial compensation for their work that ranges from $30 per month for Class IV work, to the prevailing wage for offenders employed in Class I jobs. Offenders working in Class V correctional jobs receive no financial compensation. Class V jobs are court ordered community work that is preformed for the benefit of the community without financial compensation. Competition among inmates for Class I and Class II

jobs motivates inmates to keep their jobs and serves as an incentive for inmates to produce high quality products. Class I employees currently must pay 15 percent of their wages toward their incarceration costs. All funds collected from an inmate's wages go in the general fund.

Correctional Industries job programs do not allow offenders to use their wages to pay for cells containing enhanced modular amenities, or other amenities provided as behavioral or production incentives. In addition, proposed prison capital construction plans do not include the construction of prison cells that can accommodate an incentive program.

Lack of adequate space for correctional industries programs seriously limits the number of inmates that can work in skills oriented jobs.

Summary: The Department of Corrections must develop an implementation plan for prison industry space at Clallam Bay Corrections Center, McNeil Island Corrections Center, and the proposed 1024-bed medium security prison. The implementation plan will include sufficient space and design elements to support a target of 25 percent of the total inmates in Class I programs and 25 percent of the total inmates in Class II programs. The prison industries design space plan must take into consideration the maintenance of an adequate inmate workforce for daily operations of the prison. The prison design plans for Clallam Bay, McNeal Island, and the 1024-bed facility must be consistent with the plan mandated in the act, yet not result in the delay of the construction or modification of the prisons.

The plan must also describe an incentive program for inmates working in Class I and Class II programs. The incentive program plan description will include: how inmates will be able to earn higher wages based on performance and production; rules for recovering a specified amount from inmate wages that will be returned to the department to pay for the cost of prison operations; and special criteria for including handicapped inmates. The plan must identify any legal or operational obstacles involved with implementing the design and incentive program and describe possible solutions. The completed plan must be submitted to the appropriate committees of the Legislature and the governor by October 1, 1991.

Votes on Final Passage:

House	98	0	
Senate	45	0	(Senate amended)
House	94	0	(House concurred)

Effective: May 20, 1991

SHB 1702

C 9 L 91

Modifying provisions regarding composition of the beef commission.

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rasmussen, Prince, Jacobsen and Rayburn).

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture & Water Resources

Background: The Washington State Beef Commission is composed of nine voting members: three beef producers, one dairy beef producer, three feeders, one livestock saleyard operator, and one meat packer. These members are appointed by the governor and serve three year terms of office. A representative of the Department of Agriculture serves as a nonvoting member of the commission.

Summary: The voting membership of the Beef Commission is expanded to include one additional dairy beef producer. All members of the commission are now appointed by the director of the Department of Agriculture, rather than by the governor.

Votes on Final Passage:

House	98	0
Senate	44	0

Effective: July 28, 1991

SHB 1704

PARTIAL VETO

C 339 L 91

Changing provisions relating to motor vehicles.

By House Committee on Transportation (originally sponsored by Representatives Cooper, Betrozoff and R. Johnson; by request of Department of Licensing).

House Committee on Transportation
Senate Committee on Transportation

Background: The Department of Licensing (DOL) administers many programs relating to motor vehicles and vessels. These programs include: vehicle and vessel titles and registrations, disabled parking permits, and fuel taxes. The statutes creating these programs were enacted at various times and have been amended in varying degrees over the years. In some instances, the DOL has recommended changes to modernize archaic language, to correct internal inconsistencies and to bring statutes into line with current practice.

With DOL approval, a county auditor may appoint a subagent to perform vehicle and vessel titling and registration work.

Under the state's Implied Consent Law, a driver who has been lawfully stopped by a police officer may be required to submit to a breath test if the officer has grounds to believe the person is under the influence of alcohol or drugs. If the driver refuses to take the test, the DOL must revoke the driver's privilege to drive. This administrative revocation is independent of the outcome of any criminal proceeding that may arise out of the same incident.

Summary: Various changes are made to programs administered by the DOL.

Fuel taxes: Provisions relating to taxes on motor vehicle fuels, aviation fuels, and special fuels are generally made more uniform.

With respect to all three taxes, the DOL is given authority to mitigate penalties for non-fraudulent violations of tax information filing requirements.

Distributors of motor vehicle fuels are given explicit procedural rights regarding petitions for reassessment of deficiencies and penalties assessed by the DOL.

Motor vehicles using special fuel are exempted from the special fuel license otherwise required if they are operated in interstate commerce, have only two axles, and have a gross weight of 26,000 pounds or less.

Provisions are added to allow implementation of the local option county fuel tax that was enacted in 1990.

Vehicle and vessel titles and registrations: Language is clarified regarding the five-day notification period for a seller's report of sale of a motor vehicle. The period does not include Saturdays, Sundays and legal holidays.

A grace period regarding expired motor vehicle registration is removed.

Vessels registered and principally used in other states and documented vessels are exempt from registration in Washington.

A confidential law enforcement vessel registration program is created. The vessel program is similar to the confidential motor vehicle program already in use with respect to motor vehicles.

Temporary increases are provided in the $2.00 service charge allowed to licensing subagents. The fee to be charged by subagents for a title transaction with or without a registration renewal is set at $5.50. A transaction fee for preparation and verification of titles is established at $5.50. A fee of $2.25 is established for registration renewal, for transit permits, or for any other service by a subagent. These subagent fee increases are effective July 1, 1991 through June 30, 1992.

The DOL is directed to conduct a study of all licensing agents' and subagents' costs and revenues by January 15, 1992.

Handicapped parking: Changes to the handicapped parking statutes are made in accordance with the final report of the Handicapped Parking Regulatory Negotiation Advisory Committee presented to the U.S. Department of Transportation for adoption.

The criteria for determining eligibility for special parking privileges are liberalized. New criteria include: the inability to walk 200 feet without stopping to rest; severely limited ability to walk due to arthritic, neurological, or orthopedic condition; the inability to walk without the assistance of a brace, cane, another person, prosthetic device, or other assistive device; or the presence of restrictive lung disease as measured by an arterial oxygen tension standard.

Persons who are eligible for special parking privileges are to be issued removable windshield placards instead of both a placard and a decal. The DOL will also issue special disabled parking vehicle plates for one vehicle registered in the name of an eligible disabled person. If no plate is requested, the disabled person is entitled to two placards.

The penalty for unauthorized use of a disabled parking placard or license plate is increased from a traffic infraction to a misdemeanor.

Implied consent law: Revocation of a driver's license for refusal to submit to a breath test may be rescinded under certain circumstances. The DOL is to rescind the revocation when notified by a court that the driver has been found not guilty of DWI and that the police officer's grounds for requesting the test, or the driver's reason for refusing the test, was based on a medical condition rather on than alcohol or drug consumption.

Miscellaneous: The veteran's emblem program is expanded to include active military personnel as well as military veterans.

County auditors must retain vehicle records for 18 months rather than 36.

An exception is provided for the requirement that deposits on vessel purchases must be placed into a trust account. Vessel dealers must place purchase deposits into a trust account only if the deposits are in excess of $1,000, or if they are to be held for more than 14 days.

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	38	1	
House	96	2	

Effective: July 28, 1991

Partial Veto Summary: Two sections of the bill that was enacted were vetoed by the governor.

The first section mandated that the Department of Licensing conduct a study of the use of vehicle licensing agents, county auditors, and subagents to provide vehicle licensing services. The study was to include an analysis of costs and revenues associated with titling and registration services of motor vehicles.

The second section amended the implied consent statutes to provide that someone who refused to take a blood test or an alcohol test due to a medical condition and was subsequently found not guilty would not have his or her driver's license revoked. (See VETO MESSAGE)

SHB 1709

C 304 L 91

Concerning safe drinking water.

By House Committee on Environmental Affairs (originally sponsored by Representatives Fraser, Miller, Rust, Valle, Roland, Winsley, Rasmussen, Ebersole, Wineberry and Dorn; by request of Department of Health).

House Committee on Environmental Affairs
House Committee on Revenue
Senate Committee on Agriculture & Water Resources

Background: Washington State has over 12,500 public water systems. A public water system is any water system serving two or more households. Over 11,500 of these systems have fewer than 100 connections. The law requires the operators of public water systems to provide information to the Department of Health, including the name, address, and telephone number of the operator. No permit is required under state law to operate a public water system.

Summary: The operator of a public water system with 15 or more connections or serving 25 or more people must obtain an operating permit from the Department of Health. The application for a permit must include sufficient information so that the department may determine if the system complies with federal and state law and department rules. The department must approve or deny the application within 120 days after it is filed. The permit may be issued with conditions and compliance schedules. The permit is valid for one year.

Permit fees are established. The fees are to be used for implementation costs of the permit program. The minimum fee is $25 a year for a system with between 15 and 49 connections. The maximum fee is $10,000 a year for systems with over 53,333 connections.

A person or entity that operates or manages more than one public water system is only required to have one operating permit for all of the systems it operates or manages. The annual fee for the permit is $1 per connection per year.

If the department denies an operating permit application and the action is appealed, the operator of the system may continue operating the system until a decision on the appeal is issued.

All fees received from operating permit applications are to be deposited in the safe drinking water account which is created in the treasury. The account may be used to operate the permit program and to contract with local governments for drinking water programs.

Before July 1, 1996, a local government may not impose additional requirements for a public water system operating permit.

Votes on Final Passage:

House	76	22	
Senate	40	2	(Senate amended)
House	93	3	(House concurred)

Effective: July 28, 1991

SHB 1710

C 305 L 91

Requiring certification of water systems operators.

By House Committee on Environmental Affairs (originally sponsored by Representatives Miller, Fraser, Rust, Valle, Roland, Winsley and Dorn; by request of Department of Health).

House Committee on Environmental Affairs
Senate Committee on Energy & Utilities

Background: Washington State law defines a public water system as any water system having two or more connections. There are over 12,500 public water systems in the state. Over 11,500 of these systems have fewer than 100 connections.

Congress amended the federal Safe Drinking Water Act (SDWA) in 1986. Under an agreement with the federal government, the state Department of Health enforces the SDWA in Washington State. The SDWA increases the number of contaminants for which testing must be done and imposes additional monitoring and treatment requirements on public water systems.

The SDWA defines a public water system as any system which has at least 15 service connections or which regularly serves at least 25 individuals.

Washington law requires a public water system to have a certified operator if the system has at least 100 connections or if it uses a surface water supply that must be filtered and serves at least 25 individuals.

The law also requires the secretary of the Department of Health to categorize water systems for the pur-

pose of determining skills and experience required for operator certification.

Summary: A public water system does not include a water system with four or fewer residential connections on a farm.

A public water system must have a certified operator if it has at least 100 connections, regardless of the water source, or if it has 15 connections or an average of 25 individuals and it uses surface water or ground water under the influence of surface water.

The secretary's categorizing of water systems for the purpose of operator certification is designed to assure the protection of public health, the protection of the state's water resources, and to implement the Safe Drinking Water Act. The secretary shall consider economic impacts and public health risks in making these categorizations.

Votes on Final Passage:

House	96	0	
Senate	45	2	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

SHB 1712

C 236 L 91

Providing for the registration of athlete agents.

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Lisk, Cole, Fuhrman, Wood, Betrozoff, Jacobsen, R. Meyers, Phillips, Winsley, Ferguson, Orr and Wineberry).

House Committee on Commerce & Labor
Senate Committee on Commerce & Labor

Background: A substantial number of athletes from Washington's colleges and universities go on to play professional sports. In most cases, before signing a professional sports contract, an athlete will hire an agent to negotiate a contract or to find employment for the athlete in a professional sport. Currently, Washington has no laws specifically regulating athlete agents.

Summary: Athlete agents are required to register with the Department of Licensing. Only a registered athlete agent or an employee or representative of a professional sport team may solicit an individual to enter into an agent contract or professional sport services contract or procure, offer, promise, or attempt to obtain employment for an individual as a professional athlete.

Registration and reporting: The Department of Licensing is authorized to establish rules necessary to register athlete agents and to maintain the official record of all applicants. An athlete agent must file a disclosure statement, including: educational background; experience; name and address of firms represented; criminal convictions; and sanctions resulting from his or her activities as an athlete agent. The registration provisions do not apply to a person: (1) who is related to the student athlete by blood or marriage; (2) who represents or advises no more than one student athlete in any given year; or (3) who represents only professional athletes.

Failure to register or report: A violation of this chapter is also a violation of the consumer protection act.

Criminal sanctions: It is a gross misdemeanor for any person to induce a student athlete to enter into an agent contract or a professional sport services contract. A student athlete is a person who engages in, is eligible to engage in, or may be eligible to engage in any intercollegiate sporting event, contest, exhibition or program in this state. A person ceases to be a student athlete as soon as his or her collegiate eligibility in the sport in which he or she is under scholarship has expired.

It is also a gross misdemeanor for a person to offer anything of value to an employee of a school in return for the referral of a student athlete by that employee.

It is a class C felony to offer money or any valuable consideration to a student athlete to induce the student athlete to enter into an agent contract or a professional sports services contract.

Votes on Final Passage:

House	98	0	
Senate	36	11	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

HB 1716

C 26 L 91

Standardizing terminology relating to county auditors and recording officers.

By Representatives Wood, Haugen, Ferguson, Cooper, Zellinsky, Miller, Franklin, Beck, Bray, Edmondson, Horn, Wynne, Rayburn, Nealey, Roland, Mitchell, Winsley and Paris.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: The county auditor is generally responsible for recording instruments into the official public records after payment of the necessary fees. The types of instruments recorded include deeds, mortgages, powers of attorney to convey real estate, and other papers that are required by law to be recorded and filed. A home rule charter, however, may designate someone other than the county auditor to perform this function. The statutes do not recognize that the recording officer may

be the county auditor or someone else charged with that responsibility.

The methods provided in some statutes for the recording of documents limit the process to photographic or photomechanical means. Other methods that allow for the safe recording of documents are not included.

Every county auditor is required to keep a general index of information that is recorded. The general index must contain a direct and an inverted index. There is no statutory authorization to maintain the index on microfilm or microfiche, or allow for its display on a video display terminal.

Each county auditor is required to maintain a book containing plats of all maps of towns.

Fees are set forth in statute for the recording of various transactions. There is no statutory direction for computing if one instrument contains multiple transactions.

Summary: A recording officer is defined as the county auditor or, in charter counties, the county official responsible for recording instruments in the county records.

Documents may be recorded by electronic, mechanical, optical, magnetic, or microfilm storage process.

The general index may combine the direct and indirect indexes into a single index. The index may be either printed on paper or produced on microfilm or microfiche, or it may be created from a computerized data base and displayed on a video display terminal.

The requirement for the county auditor to keep a book containing plats of all maps of towns is deleted.

The fee for recording multiple transactions contained in one instrument is calculated individually for each transaction requiring separate indexing.

Votes on Final Passage:

House	94	0
Senate	45	0

Effective: July 28, 1991

SHB 1721

C 159 L 91

Refunding contributions to the judicial retirement system.

By House Committee on Appropriations (originally sponsored by Representatives May and Locke).

House Committee on Appropriations
Senate Committee on Ways & Means

Background: Judges elected or appointed to the Superior Court, Court of Appeals, or Supreme Court prior to August 9, 1971 were members of the Judges Retirement System. Those elected or appointed between August 9, 1971 and July 1, 1988 are members of the Judicial Retirement System.

The periods of service required to vest in these retirement systems is relatively long. The Judges Retirement System requires at least 12 years of service before pension eligibility is attained. The Judicial Retirement System requires at least 10 years of service.

Contributions to either plan are not refundable if a judge leaves the system before becoming vested. Former members of the Judicial Retirement System who were not vested have filed numerous claims for return of contributions through the sundry claims process. Few claims are known to have been paid through sundry claims.

Both the Judicial and the Judges Retirement systems are "closed" systems. Since July 1, 1988, newly elected or appointed judges are members of the Public Employees Retirement System.

Summary: A judge who was a member of either the Judges or Judicial Retirement System, or the surviving spouse of such a judge, may apply for and receive a refund of the judge's contributions to the system if: (1) the judge left the system before July 1, 1988; (2) the judge was not eligible to receive a pension benefit from the system; and (3) neither the spouse nor the judge received an amount under a sundry claims appropriation intended as a refund of the judge's retirement contributions.

If funds are not provided in the operating budget specifically for this act, the act is null and void.

Votes on Final Passage:

House	98	0
Senate	46	1

Effective: July 28, 1991

EHB 1723

C 98 L 91

Creating the Washington fund for excellence in higher education program.

By Representatives Ogden, Jacobsen, Wood, Spanel, Zellinsky, R. King, Roland, H. Myers and Fraser; by request of Higher Education Coordinating Board;

House Committee on Higher Education
House Committee on Appropriations
Senate Committee on Higher Education

Background: The Higher Education Coordinating Board has recommended the creation of a program that encourages institutions to work cooperatively to solve long-standing problems plaguing the state's system of

higher education. The program would be similar to a federal program that provides funding on a competitive basis to institutions that are experimenting with ways to improve the educational process in colleges and universities.

Summary: The Washington Fund for Excellence in Higher Education Program is established. The program is designed to encourage colleges and universities to work together to address specific system problems. The program will be administered by the Higher Education Coordinating Board. Through the program, the board may award grants on a competitive basis either to individual state colleges and universities, or to consortia of institutions. In awarding grants, a strong priority will be given to proposals that involve more than one educational sector, and to proposals that show substantial institutional commitment. Each grant will be limited to a maximum of two years.

Participating institutions must provide some financial support to the program in one of two ways. Institutions must either cover part of the program costs during the grant period, or must provide continued support of the funded program when the grant ends.

The board's program responsibilities are described. These include adopting rules, establishing biennial guidelines and program requirements, and administering a process for selecting grant recipients.

During the 1991-93 biennium, the guidelines for the program will be consistent with three priorities. First, initiatives that encourage the participation of minority students, including students with disabilities, will receive a priority. Other priorities include teacher preparation programs that encourage collaborative efforts between K-12 and higher education, and initiatives that facilitate the smooth transfer of students between educational sectors.

Priorities for subsequent biennia will be established by the board. Before adopting these priorities, the board will consult with the governor, the Legislature, institutions of higher education, educational associations, business, community groups, and state agencies concerned with the common schools, community colleges, and vocational education.

The Fund for Excellence is established in the office of the state treasurer. Moneys received for the program will be deposited in the fund. Moneys in the fund are subject to the allotment procedure, but no appropriation is required for disbursements.

Votes on Final Passage:

House	98	0	
Senate	46	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

ESHB 1727

C 171 L 91

Changing provisions relating to interpreters in legal proceedings.

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Jacobsen, Paris, Morton, Mielke, Brekke, Anderson, Forner, Day, Vance, R. Johnson and Wineberry).

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Law & Justice

Background: When a hearing or speech impaired person is a party or a witness to any legal proceeding, the judge must appoint a qualified interpreter to assist the person.

A "qualified interpreter" means an interpreter who is certified by the interpreters' registry for the deaf, is able to provide accurate and effective communication between the impaired person and the other participants in the proceeding, and can translate into spoken language. Depending upon the proceeding, an interpreter must meet certain skill levels. An "intermediary interpreter" means a hearing impaired person who is certified by the interpreters' registry for the deaf with a reverse skills certificate and who is able to assist in providing an accurate interpretation between spoken and sign language by acting as an intermediary between a hearing impaired person and a qualified interpreter. Currently, the state does not certify interpreters and does not have a registry.

An interpreter must take an oath in a judicial or administrative proceeding that the interpreter will accurately interpret what is said.

The chapter of law regarding interpreters contains multiple definition and application sections resulting in duplication and internal inconsistency. One definition of "hearing" impaired does not include reference to speech impairment.

Summary: The definition of "qualified interpreter" is changed to mean a visual language interpreter who is certified by the state or is certified by the interpreters' registry for the deaf to hold the comprehensive skills certificate, or both certificates of interpretation and transliteration, or an interpreter who can readily translate statements of speech impaired persons into spoken language. The term "intermediary interpreter" is amended to include a person who holds a reverse skills certificate from the state. Interpreters may be obtained through state lists as well as the deaf interpreters' registry. "Intermediary interpreters" may be appointed to act as interpreters instead of or in addition to qualified in-

terpreters for proceedings involving hearing impaired participants.

An additional requirement of impartiality is added to the requirements for interpreters.

The definition of "hearing impaired person" is expanded to include persons with speech impairments. Three statutes that in part duplicate and in part conflict with other provisions in the chapter are repealed. Those three sections concern definitions, and appointment and compensation of interpreters.

Votes on Final Passage:

House	98	0	
Senate	38	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

ESHB 1729

C 242 L 91

Preparing a plan for an expanded juror list.

By House Committee on Judiciary (originally sponsored by Representatives Wineberry, Vance, Inslee, Dellwo, Wang, Forner and Anderson; by request of Administrator for the Courts).

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Law & Justice

Background: The jury source list from which jurors are selected consists exclusively of registered voters. This use of voter registration lists as the sole source of jurors has received criticism on at least two grounds. First, it reduces the likelihood that a jury will represent a fair cross section of the community, one of the goals of the American jury system. Second, a significant number of citizens may choose not to register to vote simply to avoid jury duty, thereby frustrating one of the goals of a participatory democracy.

Various groups, including the Washington Judicial Council and the Commission on Washington Courts, have recommended expansion of the jury source list. One recommended addition would include persons with drivers' licenses. The merging of lists of licensed drivers with lists of registered voters requires care to avoid double counting and other problems. At least nine other states have merged these two lists to compile their jury source lists.

Summary: A group of public and semi-public agencies is directed to prepare a plan for the merging of the lists of registered voters and licensed drivers (including persons issued identification cards instead of drivers' licenses) in order to compile a jury source list. The group consists of:

- the Office of the Administrator for the Courts;
- the Superior Court Judges Association;
- the District and Municipal Court Judges Association;
- the Association of County Clerks;
- the Office of Financial Management;
- the Secretary of State;
- the Association of County Auditors;
- the Department of Licensing;
- the State Bar Association;
- the Association of Superior Court Administrators; and
- the Association for Court Administration.

The plan and proposed legislation are to be submitted to the Legislature by January 1, 1992. The plan is to be designed for implementation by January 1, 1993.

Votes on Final Passage:

House	97	0
Senate	45	0

Effective: July 28, 1991

SHB 1739

C 198 L 91

Providing a property tax exemption for certain nonprofit organizations.

By House Committee on Housing (originally sponsored by Representatives Leonard, Mitchell, Nelson, Winsley, Franklin, Locke, May, R. Johnson, Wineberry and Miller).

House Committee on Housing
House Committee on Revenue
Senate Committee on Ways & Means

Background: Leased or rented property of nonprofit organizations operating nonpermanent shelters for low-income homeless persons or victims of domestic violence who are homeless for personal safety reasons is exempt from property taxes. To qualify for the property tax exemption, the benefit of the property tax reduction must inure, in the form of reduced lease rents, to the nonprofit organization. The exemption for property that is leased or rented by a nonprofit organization is only for taxes that are assessed through the year 1999.

Summary: The nonprofit organization property tax exemption is expanded to include the real or personal property used by a nonprofit organization to provide emergency or transitional housing for homeless persons or victims of domestic violence who are homeless for personal safety reasons.

Homeless persons are persons, including families, who, on one particular day or night, do not have decent and safe shelter nor sufficient funds to purchase or rent a place to stay.

Emergency housing is defined as a project that provides housing and supportive services to homeless persons or families for up to 60 days.

Transitional housing is defined as a project that provides housing and supportive services to persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

Votes on Final Passage:

House	97	0
Senate	39	0

Effective: July 28, 1991

EHB 1740

C 167 L 91

Changing provisions relating to housing authorities.

By Representatives Ogden, Winsley, Nelson, Leonard, May, Ebersole, Ballard, R. Johnson and Wineberry.

House Committee on Housing
Senate Committee on Commerce & Labor

Background: The state's Housing Authority Law, enacted in 1939, created local public housing authorities in each county and city of the state. The purpose of a public housing authority is to provide safe and sanitary housing for persons of low-income. "Persons of low-income" is defined as persons who lack the resources to enable them to live in decent, safe, and sanitary dwellings. The subsidized housing is provided through the administration of various federal, state, or local housing programs.

Local public housing authorities: a) are not given authority to set up and operate nonprofit organizations; b) may sell property at less than fair market value to a nonprofit organization provided the nonprofit organization agrees to use the property to provide housing for low-income persons; c) may make loans to low-income persons to enable them to rehabilitate or purchase a dwelling unit; d) may make, purchase, participate in, invest in, take assignments of, or acquire loans on buildings or developments containing housing for low-income persons; and e) may make loans to a nonprofit organization or a for-profit business that is used for a building or development if the loan agreement provides that the specified dwelling units be occupied by persons of low-income for at least 20 years.

Housing authorities located in first class counties are allowed to establish and operate group homes or halfway houses to serve juveniles and the developmentally disabled.

The Housing Cooperation Law provides procedures for state public bodies to cooperate or participate with local public housing authorities to provide housing for persons of low-income. The definition of state public body includes any city, town, county, municipal corporation, commission, district, authority, other subdivision or public body of the state.

The Housing Cooperation Law also allows a state public body to dedicate, sell, convey, or lease its interest in any property to be used by a local public housing authority to provide housing to persons of low-income.

Summary: Revisions are made to the state's Housing Authority and Housing Cooperation Laws in the following areas: 1) general powers of the public housing authority; 2) the issuance of bonds; 3) establishment and operation of group homes and halfway houses serving juveniles and the developmentally disabled; and 4) the definition of a public body.

General powers of public housing authorities: Public housing authorities are authorized to participate in the organization or operation of a nonprofit organization that provides or assists in developing low-income housing. Housing authorities are required to own either 50 percent of the total interior space of the development or at least 50 percent of the dwelling units, whichever produces the greatest number of units for low-income persons. This provision also applies to mobile home parks developed or assisted by the housing authority.

In determining the percentage of interior space that is used for low-income persons, the floor space used for social support services and management of the low-income housing is included in the interior space requirements. This provision also applies to loans made to finance developments owned by nonprofit organizations.

Housing authorities are authorized: a) to sell property at less than fair market value to nonprofit organizations that agree to sell the property to a low-income person or family for housing; b) to purchase or participate in loans made to low-income persons by others, such as financial institutions, governmental entities, or nonprofit organizations; and c) to finance vacant land in addition to financing buildings and developments. Development includes either land or buildings or both.

Housing authorities are given explicit authority to evict tenants under the state's Residential Landlord-Tenant Act. Housing authorities may evict tenants, by using the three-day notice process under existing law, who are involved in illegal drug activities in a housing authority unit.

Housing authorities are authorized to provide financing to either nonprofit organizations or for-profit busi-

nesses to develop housing for low-income persons. Housing authorities that provide financing to nonprofit organizations are required to own either 50 percent of the total interior area of the development or at least 50 percent of the dwelling units, whichever produces the greatest number of units for low-income persons. This provision also applies to mobile home parks developed or assisted by housing authorities.

If housing authority loans are made to for-profit businesses, the low-income dwelling units or mobile home lots must be rented to persons with incomes at or below 50 percent of median income, adjusted for household size, and the rents cannot exceed 15 percent of median income, adjusted for household size. Rents can exceed the 15 percent of median income if the tenant has a rent subsidy designed to make the unit more affordable.

Housing authority loans made to developments where the majority is owned or controlled by a governmental entity or nonprofit organization through a partnership agreement between a for-profit business and a governmental entity or nonprofit organization is considered a nonprofit organization. To obtain financing from the housing authority, the dwelling units or mobile home lots must be made available to persons with incomes that do not exceed 60 percent of median income, adjusted for household size. The private entity must also agree to transfer its ownership interest in the development to the governmental entity or nonprofit organization or provide a right of first refusal when it wishes to sell the property.

Commercial space in any building or development that exceeds four stories cannot be more than 20 percent of the interior area of the building.

Issuance of bonds: Housing authorities are authorized to issue taxable revenue bonds. The proceeds from the bond sales are then used to provide housing for persons of low-income.

Establishment and operation of group and halfway houses serving juveniles and the developmentally disabled: All housing authorities are allowed to establish and operate group homes or halfway houses to serve juveniles and the developmentally disabled. Housing authorities are also authorized to provide support or supportive services to facilities that serve juveniles, the developmentally disabled or other persons who are disabled, and the frail elderly, whether or not they are operated by the public housing authority.

Definition of a public body: Under the Housing Cooperation Law, definition of state public body is expanded to include the state of Washington as a public body that can cooperate with a local public housing authority to meet the housing needs of low-income persons.

State public bodies are authorized to grant an interest in any property to a local public housing authority in addition to the power to sell or lease the property to be used to provide housing for low-income persons.

Votes on Final Passage:

House	96	0	
Senate	47	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 28, 1991

SHB 1743

C 208 L 91

Revising regulation of high-interest consumer loans.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Dellwo, Broback, R. Meyers, R. Johnson, Dorn, Zellinsky, Paris, Scott and Winsley).

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: Washington statutes permit the licensing or incorporation of consumer loan companies under either of two statutes - the Consumer Finance Act or the Industrial Loan Act. Both acts permit companies to charge rates in excess of the state usury statute and both acts place the regulation of such companies with the state supervisor of banking. Many companies hold licenses under both acts.

The Consumer Finance Act requires an applicant for a license to show that the applicant has $50,000 in liquid assets and a $2,500 bond for each location. Under the act, allowable interest rates are determined in accordance with the amount of the loan. Loans are limited to $2,500 and are not to exceed a term of 48 and one-half months. The permitted rates range from a high of 2.5 percent per month for loans under $500 to 1 percent on the portion of a loan amount exceeding $1,000.

Industrial loan companies are issued a certificate of authority after obtaining approval of their articles of incorporation and capital structure. Such companies are restricted as to increases or decreases in capital stock, the amount of cash reserves, real estate holdings, dividends, accounting for bad debts, and investments. Under the act, allowable interest rates are determined three ways. Loans under two years may be calculated using the discount method with a maximum 10 percent annual interest rate. All other loans may not exceed 25 percent per year. In addition, companies may charge a 2 percent loan fee. Finally, companies are authorized to issue open-end loans (lines of credit) at a maximum rate of 25 percent per year.

Summary: The Industrial Loan and Consumer Finance acts are repealed. In place of each act, a new Consumer Loan Act is enacted combining elements of both the repealed acts.

To ensure sufficient assets to pay fines, penalties, or judgments for violations of the new act, loan companies must either post a bond of $100,000 for each of the first five company offices and $10,000 for each additional office or a loan company may maintain a specified amount of unimpaired capital and surplus.

The varied interest rate structure of both the Consumer Finance and the Industrial Loan acts are replaced with a flat maximum permitted interest rate of 25 percent per year. Companies are permitted to increase their loan origination fee from 2 percent to 4 percent. Late payment fees are increased from 5 to 10 percent but authority to charge attorney fees and other collection costs is repealed.

Companies are prohibited from using the lender favored rule of 78's in calculating interest rate refunds and from using the discount method for calculating new loans. Prepayment penalties are not permitted. In addition, the use of the add-on method for precomputed loans is retained but limited to loan terms not exceeding three years and 15 days. However, if the borrower prepays two or more installments on a loan calculated by the add-on method and continues to pay the loan in advance, the loan must be recalculated as if the loan had been made using a simple interest method of calculating borrower payments. The pre-existing statutory provisions governing open-end loans are retained.

New provisions are added which allow both greater regulatory authority by the supervisor and clearer responsibilities on the part of the loan companies. New definitions are provided for methods of calculating interest accompanied by rule making authority to further explain these methods. Record maintenance procedures are simplified. Regulatory fees are revised and retained. Insurance sales and practices of loan companies must conform in all respects with the insurance code. The supervisor is granted clear authority to adopt all rules necessary to ensure full disclosure to borrowers and to interpret the new loan act. The supervisor may also issue cease and desist orders for companies conducting business in an injurious manner or in violation of the new act.

Votes on Final Passage:

House	98	0	
Senate	38	9	(Senate amended)
House	94	0	(House concurred)

Effective: January 1, 1992
January 1, 1993 (Section 24)

HB 1748

C 177 L 91

Preventing termination of the small business export finance assistance center.

By Representatives Ludwig, Cantwell, Forner, Moyer, Roland, Kremen, Rasmussen, Betrozoff, Ferguson, Wineberry, Miller, Bowman and Sheldon.

House Committee on Trade & Economic Development
Senate Committee on Commerce & Labor

Background: The Small Business Export Finance Assistance Center was established in 1983. The center is authorized to assist small and medium-sized businesses in accessing export markets for their goods and to provide information and assistance about export opportunities and financing alternatives. The center may not use state funds to make or guarantee loans, nor is the state liable for any debts of the center.

The center is a nonprofit organization governed by a 17 member board of directors, appointed by the governor, with a president employed by the board. The center was scheduled for termination under the sunset process in June of 1990, with a repeal of its statute in June of 1991. The Legislative Budget Committee, under the sunset process, conducted a performance audit of the center during 1989-1990. The committee recommended that the center be reauthorized without modifications, and that the center expand its services by participating in the city/state agency cooperation program of the United States Export/Import Bank (EXIMBANK). The center signed a contract with the EXIMBANK to provide such services in January of 1990.

If not reauthorized by the 1991 Legislature, the Small Business Export Finance Assistance Center will cease to exist on June 30, 1991.

Summary: The Small Business Export Finance Assistance Center is reauthorized without modifications and removed from the sunset process.

Votes on Final Passage:

House	98	0
Senate	40	0

Effective: July 28, 1991

HB 1757

C 290 L 91

Changing "driving while intoxicated" to "driving while under the influence of intoxicating liquor or any drug."

By Representatives Ferguson, Van Luven, Heavey, D. Sommers, Dorn, Miller, R. Meyers, Paris, Hargrove, Silver, Prentice, Moyer, Betrozoff, Winsley, Horn, Chandler, Tate, Vance, Nealey, Edmondson, Fuhrman, Broback, Wynne, Ballard, Hochstatter, Jacobsen, Wineberry, Roland, Bowman, Brough and Forner.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Throughout state law, there are numerous references to persons who are under the influence of liquor or drugs. However, the same words are not always used to describe that influenced state. The criminal code describes an intoxicated driver as "under the influence of intoxicating liquor or any drug." Several other statutes just use the word "intoxicated." This inconsistency in terminology can create ambiguity, including raising the question of whether a person under the influence of drugs is "intoxicated."

Summary: In various statutes, the word "intoxicated" is replaced with the phrase "under the influence of intoxicating liquor or any drug."

Technical changes are also made for organizational purposes.

Votes on Final Passage:

House	98	0	
Senate	43	1	(Senate amended)
House			(House refused to concur)
Senate	46	0	(Senate receded)

Effective: July 28, 1991

SHB 1771

C 124 L 91

Changing transportation authority of first class cities.

By House Committee on Transportation (originally sponsored by Representatives Rasmussen, R. Fisher, Dorn, Brumsickle, Betrozoff, Basich, Cantwell, Fraser, R. Meyers, Belcher and Ebersole).

House Committee on Transportation
Senate Committee on Transportation

Background: Cities and towns are granted numerous powers associated with acquiring and operating transportation systems within their corporate boundaries. Cities and towns may construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate various forms and methods of transportation.

In 1990, first class cities were authorized to operate such forms and methods of transportation beyond the corporate limits of the city but within the county within which the city is located.

Summary: The transportation modes which a first class city may operate beyond its corporate boundaries but within the county in which the city is located are limited to railways. First class cities operating such railways may construct, purchase, add to, alter, maintain or lease cable, electric or other railways within their own boundaries. A first class city is authorized to exercise those same powers concerning a railway into an adjoining county if that county has a population between 40,000 and 125,000 and is intersected by an interstate highway.

Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 28, 1991

ESHB 1777

C 130 L 91

Expediting new prison construction.

By House Committee on Human Services (originally sponsored by Representatives H. Sommers, Schmidt, Hargrove, Braddock, Leonard, Winsley, Fraser, Bowman, Zellinsky, Holland, Paris, Basich and May; by request of Department of Corrections).

House Committee on Human Services
House Committee on Capital Facilities & Financing
Senate Committee on Ways & Means

Background: Prison population forecasts by the Department of Corrections indicate that the number of prison beds that need to be constructed in the near future is substantial. The current prison capacity of 7,471 will need to approximately double by the year 2000 to house the expected additional prisoners.

Public works laws require that a sequential and often time consuming process must be followed before a prison is constructed. The process involves complete design by the state or by an architect/engineer firm, advertisement, bid, and award to the lowest bidder, followed by construction.

In an effort to expedite the building of new prison space, several construction models were reviewed by the Department of General Administration and the Department of Corrections. One model that could poten-

tially reduce the construction time was identified. This model eliminates the sequential process of designing and then building the prison and replaces that process with an expedited process that uses a professional general construction/contract manager firm to coordinate the design and construction simultaneously. A similar model for expediting prison construction has been tried successfully in other states.

Summary: The director of the Department of General Administration is given the authority to contract with a single general contractor/construction manager (GC/CM) firm, to provide concurrent preparation of design plans, specifications and advertising, and competitive bidding of construction contracts. This authority is in lieu of the requirements of public works laws outlining the sequence required for designing and constructing a publicly funded facility.

The authorization is limited to:

1) Department of Corrections capital projects funded in the 1991-1993 biennium for over $10 million at the McNeil Island Correction Center, Clallam Bay Corrections Center, and for the construction of two 399-bed drug camps, three 499-bed work camps, and a 1,024-bed prison;

2) any other additional correctional facilities that may be authorized by the Legislature during the biennium ending June 30, 1993; and

3) contracts signed before July 1, 1996.

The Department of General Administration must establish an independent oversight committee to review selection and contracting procedures. Membership of the committee will include representatives of a variety of interest groups, the Department of Corrections, and the private sector. The director of the Department of General Administration will establish a committee to evaluate contract proposals using the following criteria: the ability of the professional personnel; past performance in negotiated and complex projects; location; ability to meet time and budget requirements; and the overall concept of the proposal.

The Department of General Administration must negotiate a guaranteed, maximum allowable construction cost for the projects while the contractor (GC/CM) is required to guarantee the maximum allowable costs. Any cost increases above the negotiated and contracted maximum allowable costs will be incurred by the firm unless the state has requested the contract change.

An incentive of up to 5 percent of the maximum allowable cost for the project can be included in the contract with the general contractor/construction manager firm. All sub-contract work must be competitively bid with public bid openings. The firm must provide a performance and payment bond.

The public works contracting authority granted in the act is in effect until completion of contracts signed on or before June 30, 1996.

Votes on Final Passage:
House 94 4
Senate 34 12

Effective: May 10, 1991

ESHB 1780
C 181 L 91

Authorizing work crews for criminal offenders.

By House Committee on Human Services (originally sponsored by Representatives Morris, Padden, Appelwick, Riley, H. Myers, Leonard, Belcher, Phillips, Silver, Holland, Paris, R. Johnson, May, Kremen, Rayburn, Cantwell, Broback, D. Sommers, Vance, Ebersole, Inslee, Morton, Cooper, Winsley, Wynne, Hochstatter, Moyer, Rasmussen, Basich, Van Luven, Neher, P. Johnson, Forner, Casada, Roland, Tate, Brumsickle, Orr and Haugen).

House Committee on Human Services
Senate Committee on Law & Justice

Background: Under the determinate sentencing laws, intermediate punishment options available to judges can include partial confinement for felons sentenced for less than one year. Partial confinement refers to the use of non-jail punishment such as home detention or work release. Inmate work crews are not included as a sentencing option for partial confinement.

Inmate work crews provide labor in low skilled and labor intensive projects such as picking up litter in parks and along roadways or landscaping. Inmate work crews vary in size depending on the nature of the project, available transportation and amount of available trained supervision. Inmate work crew programs can relieve jail crowding, reduce inmate idleness, reduce inmate tension and mischief, and provide inmates with a meaningful work experience. In addition, offender work crews can help local county governments operate more cost effectively by providing low cost labor on civic projects.

Offender work crews have been effectively used as a sentencing alternative in Clark County, Washington since 1983. The Clark County program reported that inmate work crews provided 60,583 hours of offender labor to the county and saved $310,755 of county government funds in 1990. Other local communities around the country also use work crews as a low cost labor resource and as a sentencing alternative for reducing jail overcrowding.

A recent study conducted by the Sentencing Guidelines Commission suggests that jail overcrowding is a significant problem for local jails. This problem is the result of a rapid increase in the number of sentenced felons and a corresponding reduction in the use of non-jail punishment for felons.

Summary: The definition of partial confinement is modified by adding the work crew program to the work release and home detention options. Courts can impose an obligation on selected felony offenders to participate in supervised work crews. Work crews must conduct civic improvement tasks of not less than 35 hours a week. Civic improvement tasks conducted by the work crew must not negatively impact the local labor force, existing private industries or people with developmental disabilities contracted through the sheltered workshop. Any disputes arising because of concerns about negative effects on the labor force, or local private industries, may be referred to the director of the Department of Labor and Industries for arbitration. Programs must also limit jobs to unskilled labor on public lands and private land owned or operated by a nonprofit entity or on private property to conduct emergency snow removal only. Work crew participants must abstain from alcohol and controlled substances, perform adequate work, and maintain a verifiable residence. Work crew programs can accept or reject participants. Offenders convicted of sex crimes cannot participate in the work crew program.

Offenders sentenced from nine months to one year must serve at least 30 days in total confinement before they can be eligible to work in the work crew program. The offender must work in a work crew for 35 hours per week for four weeks, before they can work in the community in an approved verified job. The offender can earn credit for verifiable employment for up to 24 hours per week and apply time spent on the job towards the work crew sentence. However, credit may be earned only if he/she continues to work on the work crew until the work crew sentence is completed. The time spent by an offender in substance abuse counseling and/or job skills training may apply to the work crew sentence.

All offenders working in the work crew program must pay a monthly assessment to the department administering the program while they are working in a approved verified job. Exemptions from paying the assessment fee are specified.

Votes on Final Passage:

House	98	0	
Senate	43	0	(Senate amended)
House			(House refused to concur)
Senate	42	0	(Senate amended)
House	98	0	(House concurred)

Effective: July 28, 1991

SHB 1782

C 300 L 91

Affecting county court commissioners.

By House Committee on Judiciary (originally sponsored by Representative Appelwick).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The state constitution limits the number of superior court commissioners in each county to three. Court commissioners are authorized to perform many of the duties of a judge, but their actions are subject to revision by a judge. Statutes have given court commissioners explicit authority to perform duties such as conducting probate proceedings, issuing temporary restraining orders, and hearing ex parte and uncontested civil matters. Court commissioners are paid out of county funds, and their salaries are set by county legislative authorities.

The limit of three court commissioners per county was set at the time the state's constitution was adopted. The population of the entire state has increased many times over since then, and the population disparity among individual counties is now very significant.

By statute, the Legislature has authorized the use of specialized commissioners. These commissioners have fairly narrowly defined authority to act in family law and mental health proceedings. The number of these commissioners in each county is set by the county legislative authority. These commissioners are not considered "court commissioners" within the meaning of the constitution, and therefore are not subject to the three-commissioner limit. Their use has been upheld by the state Supreme Court.

Summary: Various statutes are amended to conform to the proposed constitutional amendment on court commissioners (HJR 4218). The limit of three on the number of court commissioners in each county is removed. County legislative authorities are authorized to set the number of court commissioners. References to specialized commissioners are removed.

Court commissioners are made subject to affidavits of prejudice to the same extent as superior court judges. A party to a lawsuit may file one such affidavit as a

matter of right. Filing such an affidavit requires that the case be assigned to another commissioner or judge.

Votes on Final Passage:
House 98 0
Senate 40 0

Effective: Upon voter approval of HJR 4218.

SHB 1789

C 30 L 91

Concerning the filling of prescriptions written by out-of-state prescribers.

By House Committee on Health Care (originally sponsored by Representatives Braddock, Paris and Prentice).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: Under current law, prescriptions written by physicians, dentists, podiatrists, or veterinarians in other states, or in the province of British Columbia, Canada, may be filled by pharmacists licensed in this state. However, these prescriptions cannot be filled if they are older than six months beyond the date of issuance.

Summary: Prescriptions written by specified prescribers in other states or in the province of British Columbia, Canada, may be filled by pharmacists in this state as authorized by the prescriber.

Votes on Final Passage:
House 96 0
Senate 47 0

Effective: July 28, 1991

SHB 1800

PARTIAL VETO

C 24 L 91

Creating the office of international relations and protocol.

By House Committee on State Government (originally sponsored by Representatives Fraser, Ballard, Van Luven, Ebersole, Anderson, McLean, Jacobsen, Cantwell, Ferguson, Belcher, Rasmussen, Wang, Locke, Winsley, Paris, Phillips and Wineberry).

House Committee on State Government
House Committee on Appropriations
Senate Committee on Governmental Operations

Background: A number of state agencies carry out activities with an international dimension. For example, the departments of Agriculture and Natural Resources participate in a number of trade-related activities such as trade trips, conferences, and arranging site tours for foreign visitors. The Office of the Superintendent of Public Instruction promotes international awareness through public school curriculum and through student and teacher exchange programs. Washington's secretary of state serves as an ambassador-at-large when visiting other countries or receiving foreign guests.

The state's official liaison and protocol office with foreign governments is the Office of International Relations and Protocol within the Department of Trade and Economic Development (DTED). This office administers Washington's two sister-state programs with Japan and China, and serves as a protocol agent by coordinating ceremonial functions and arranging meetings between foreign visitors and state officials. The office maintains an informal working relationship with other state agencies with international activities. There is no formal coordination of state international relations.

For the 1989-91 biennium, DTED's budget included approximately $200,000 for the Office of International Relations and Protocol for two FTE staff. For the 1991-93 biennium, DTED expects to reduce this budget to approximately $138,000 for one FTE staff.

Summary: There is created within the Governor's Office an Office of International Relations and Protocol. This office is to serve as the state's official liaison and protocol office with foreign governments. The governor will appoint the director of the office and fix the director's salary. The director and any staff hired by the director will be exempt employees. To the extent permitted by law, agencies may temporarily loan employees to the office.

The duties of the Office of International Relations and Protocol include advising and assisting the governor, the Legislature, and other independently elected officials on international developments, serving as a clearinghouse for information, coordinating protocol for visiting foreign dignitaries, and coordinating the state's existing and future sister-state relationships. The office also has the authority to create temporary advisory committees to deal with specific international issues, and to accept gifts or grants to help defray the costs of appropriate hosting of foreign dignitaries.

Also created is an international advisory committee internal to state government. The purpose of the advisory committee is to advise the office on matters pertaining to state and local government. Membership on the advisory committee is to represent a range of specified interests and entities. The governor appoints members to the advisory committee.

The powers, duties and functions of the Office of International Relations and Protocol within the Depart-

ment of Trade and Economic Development are transferred to the newly created Office of International Relations and Protocol within the Governor's Office.

Votes on Final Passage:
House 88 10
Senate 43 0

Effective: July 1, 1991

Partial Veto Summary: The governor's partial veto removes the assigned duties of the new office, removes the creation of the advisory committee, and removes language requiring the transfer of the employee serving as the state's protocol officer within the Department of Trade and Economic Development. (See VETO MESSAGE)

HB 1812

C 27 L 91

Adopting the woodland stewardship assistance act.

By Representatives Riley, Brumsickle, Sheldon, Rasmussen and Cooper.

House Committee on Natural Resources & Parks
Senate Committee on Environment & Natural Resources

Background: In Washington, 40,000 non-industrial woodland owners own about 4.4 million acres or 25 percent of the state's commercial forest land. These lands are estimated to contain about 35.8 billion board feet of timber. Much of this land is understocked and unmanaged. The U.S. Forest Service estimates that over one million acres of Washington's private non-industrial woodlands currently need treatment or will require treatment by the end of the decade.

Currently there is no coordinated state program to encourage landowners to manage their forest lands for the full variety of forest resources and benefits that these lands are capable of producing. The Department of Natural Resources (DNR) operates a limited service forestry program that provides technical forestry assistance and management planning. The traditional orientation of this program has been maximum fiber production. There is no statutory direction to DNR regarding the operation of such a program.

A recent survey of non-industrial private land owners shows that a high percentage of these land owners place a higher priority on various conservation purposes than they do on production of fiber and income from timber sales. The result is that a lot of these lands are not actively managed. In many situations, additional information and planning could allow land owners to enhance their primary goals and simultaneously harvest timber.

Summary: A new chapter in law is created dealing with stewardship assistance for owners of non-industrial forests and woodlands.

The purpose of the chapter is to: (a) promote the coordination and delivery of services to non-industrial forest and woodland owners; and (b) facilitate the production of forest products, enhancement of wildlife and fisheries, protection of streams and wetlands, culturing of special plants, availability of recreation opportunities and the maintenance of scenic beauty through meeting the landowner's stewardship objectives.

The Department of Natural Resources is authorized to establish and maintain a non-industrial forest and woodland owner assistance program. The department may provide technical assistance to land owners and assist cooperating organizations in providing similar assistance. The department may provide financial assistance, loan or rent surplus equipment, and appoint a stewardship advisory committee to assist in establishing and operating this program.

The department is authorized to receive and disperse federal monies, as well as donations from public and private sources, for the purposes of this new chapter.

Votes on Final Passage:
House 96 0
Senate 48 0

Effective: July 28, 1991

ESHB 1813

C 285 L 91

Changing provisions relating to teacher training and recruitment.

By House Committee on Education (originally sponsored by Representatives Peery, Betrozoff, Phillips, Jacobsen, Ebersole, Orr, Rasmussen, Ogden, Franklin, Cooper, Hine, H. Myers and O'Brien; by request of Superintendent of Public Instruction and Board of Education).

House Committee on Education
House Committee on Appropriations
Senate Committee on Education

Background: Centers for the improvement of teaching: Many people recognize the importance of attracting quality individuals into the teaching profession, and of assisting student teachers and beginning teachers as they start their careers.

Over the last several years, the Legislature has passed a number of bills dealing with teacher recruit-

ment and preparation, including minority teacher recruitment, the creation of a paraprofessional degree program, and the use of cooperating teachers with student teachers. Some people feel that these programs need to be better coordinated.

Paraprofessional training: The 1989 Legislature instructed the State Board of Education and the State Board for Community College Education to develop a 90 unit educational paraprofessional Associate of Arts degree. In the process of developing the degree program, these groups concluded that 90 units of credits would not be adequate, and have requested that additional flexibility be provided to allow the program to consist of up to 108 credits.

Summary: Centers for the improvement of teaching: Each Educational Service District (ESD) shall establish a Center for the Improvement of Teaching. The center shall coordinate programs related to the recruitment and training of K-12 education personnel. To assist in these activities, each ESD shall establish an Improvement of Teaching Coordinating Council.

Paraprofessional training: The requirement that the community college paraprofessional degree be 90 units is removed.

Votes on Final Passage:

House	98	0	
Senate	40	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 28, 1991

HB 1818

C 2 L 91

Changing project completion costs for the state convention and trade center.

By Representatives Locke, Prince, H. Sommers, Ferguson, Betrozoff and Wineberry; by request of State Convention and Trade Center and Office of Financial Management.

House Committee on Capital Facilities & Financing

Background: Additional hotel/motel tax: In 1988, the Legislature authorized additional bonds for conversion of Convention Center retail and other space to meeting rooms and for expansion of the facility. To cover the debt service on these new bonds, the Legislature also provided for a 1 percentage point increase in the existing 5 percent Seattle hotel motel tax, and a 0.4 percentage point increase in the 2 percent tax levied in King County outside of Seattle. This additional tax is to begin January 1, 1993, and cease as soon as the treasurer certifies that the base 5 percent tax is sufficient to cover the cost of debt service on all Convention Center bonds.

In 1988, it was assumed that conventional serial bonds requiring annual debt service would be issued. In the interest of getting the most advantageous terms for the State, the treasurer chose to issue zero coupon bonds, for which no debt service is paid for several years. As a result, without a change in statute, the additional hotel/ motel tax will be eliminated as soon as it goes into effect in 1993. Four years later, when debt service on the zero coupon bonds begins, the 5 percent hotel/motel tax may not be sufficient to cover debt service and additional borrowing from the general fund may be required.

Borrowing repayment: In 1987, the Legislature authorized temporary borrowing from the state treasury until bonds were sold to pay for Convention Center project completion. This borrowing is to be repaid by June 30, 1991. One of the purposes for which bonds are authorized is purchase of the McKay parcel, located adjacent to the enter.

Because the Convention Center intends promptly to resell a portion of the McKay parcel, the treasurer advised that the $8.95 million purchase be financed with temporary borrowing from the treasury rather than through bonds. The Convention Center now owns the McKay parcel and owes the treasury $8.95 million, most or all of which it intends to repay with proceeds from sale of the property.

The Convention Center is seeking to sell the property but is concerned that it will be unable to secure the best possible price if constrained by the 1991 deadline.

Settling contractor claims: In January 1991, the Convention Center reached a settlement regarding a $29 million claim for damages related to construction of the Convention Center facility.

Under the settlement, the Convention Center is required to pay $5.8 million. $3.87 million of this amount has already been paid. $1.93 million more, up to $2.99 million with sales tax and interest, must be paid by July 15, 1991, and additional appropriation is needed to cover this final portion of the settlement.

Summary: Change in date treasurer begins to consider reducing hotel/ motel tax: The date when the treasurer first considers eliminating the additional 1 percent tax is changed from 1993 to 1998, when debt service on the zero coupon bonds will have begun.

Change in the date for temporary convention center borrowing to be repaid: The date by which temporary borrowing from the state treasury must be repaid is changed from June 30, 1991 to June 30, 1993. It is made clear that proceeds from the sale of property owned by the Convention Center, but not needed for

center operations, may be used to pay project completion costs.

Covering the cost of settling contractor claims: It is also made clear that settlement costs related to construction litigation are a part of "project completion" costs for the Convention Center. Up to $2.99 million is appropriated from the state convention and trade center account for this purpose. Because the Convention Center currently has unused bond authorization, no additional bonding authority is needed to cover this appropriation.

Technical correction: It is made clear that once the Convention Center has met the Legislature's goal of spending $3 million for low-income housing, moneys remaining from an appropriation for that purpose may be used for settlement costs for construction litigation.

Votes on Final Passage:
House 97 0
Senate 45 2

Effective: March 13, 1991

SHB 1821

FULL VETO

Making the fraudulent installation of fire protection sprinkler systems a felony.

By House Committee on Judiciary (originally sponsored by Representatives R. Meyers, Ferguson, Schmidt, Zellinsky, Sheldon, Winsley, D. Sommers, Bowman, Paris, Miller, Riley, R. Johnson, Brough, Silver, Roland, Cooper, Horn, Chandler and Moyer).

House Committee on Judiciary
Senate Committee on Commerce & Labor

Background: Under Washington law, various frauds and swindles are designated as crimes that range in seriousness from misdemeanors to felonies.

Persons convicted of class C felonies are subject to imprisonment for a maximum of five years and a fine of up to $10,000. Persons convicted of a gross misdemeanor are subject to imprisonment of up to a year and a fine of up to $5,000.

Washington requires that a person or business be licensed as a fire sprinkler contractor to install fire sprinkler systems. Only the state director of fire protection may issue these licenses. To qualify, the contractor must employ a holder of a certificate of competency issued by the state director of fire protection, must meet minimum insurance requirements, and must apply to the state director for a license.

Summary: A person is guilty of a class C felony if he or she willfully and maliciously constructs, installs, or maintains a fire sprinkler system and knows that the system is inoperable. A person is also guilty of a class C felony if he or she willfully and knowingly impairs the operation of a sprinkler system.

A person without a license who constructs, installs or maintains a fire protection sprinkler system in a building other than a single-family, owner-occupied home is guilty of a gross misdemeanor.

Fire sprinkler system is defined as a water delivery system that delivers water from the primary supply to dispersed openings.

Votes on Final Passage:
House 98 0
Senate 40 0
FULL VETO (See VETO MESSAGE)

ESHB 1824

C 33 L 91

Changing district courts' jurisdiction.

By House Committee on Judiciary (originally sponsored by Representative Appelwick).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The Commission on Washington Trial Courts, among others, has recommended that certain other kinds of cases should be handled by district courts. These cases generally tend to be relatively high volume but also tend to require relatively little time per case. Examples of recommended cases include lien foreclosures and name changes.

Some superior courts have been faced with increasingly large numbers of protective order actions in anti-harassment cases. Proposals have been made that would allow these cases to be heard in district court.

District courts have jurisdiction over civil suits involving $10,000 or less.

Summary: Some aspects of district court civil jurisdiction are changed. District courts are given jurisdiction over anti-harassment orders, name changes and lien foreclosures involving personal property or crops. However, a district court may transfer an anti-harassment order case to superior court if the district court demonstrates a meritorious reason for the transfer. The limit on the amount in controversy that may be heard in district court is raised from $10,000 to $25,000.

Votes on Final Passage:
House 97 0
Senate 44 0

Effective: July 1, 1991

SHB 1828

C 335 L 91

Providing regulations for the disclosure of health care records.

By House Committee on Health Care (originally sponsored by Representative Appelwick).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: Patients sometimes encounter difficulty in obtaining access to their medical or health records. While the courts have held that the health provider is the owner and custodian of health records, patients are entitled to reasonable access to their records.

There is no comprehensive statutory law governing the rights and responsibilities of patients and health providers with regard to the confidentiality of patients' health records, and the conditions or situations under which those records can be disclosed.

Generally, patients' health records are considered confidential but the law is unclear with regard to access by third parties for research, financial audit, and other purposes, and by family members. Over the past several decades a number of fundamental changes have increased the threat to the confidentially of health care information. These changes include the proliferation of third party payment plans; the use of health care information for non-health care purposes; the growing involvement of government in all aspects of health care; and the advent of computers and automated information systems. Nationally, these developments have raised major concerns regarding the improper use of patients' health information.

The National Conference of Commissioners on Uniform State Laws developed the Uniform Health Care Information Act in 1984 for consideration by the states, specifying the rights and responsibilities of patients and health providers governing the confidentiality and disclosure of patient health information.

Summary: The Legislature declares that patients need access to their own health care information to help patients make informed health care decisions, and declares that this information should not be improperly disclosed to others.

A patient's health care information must not be disclosed by the health care provider without the patient's consent. However, the patient's consent need not be expressly required where the information is being referred to another health provider treating the patient for health education, planning, quality assurance, peer review, actuarial, legal, financial or administrative purposes where the confidentiality is maintained; to minimize an imminent danger to the patient; for bona fide research purposes where the patient is not identified; for audit purposes; or for law enforcement purposes. However, disclosure to family members, to previous health providers, or for routine directory information purposes cannot be made where the patient objects.

The health provider must disclose patient health information to public health authorities or law enforcement agencies where required by law, or in compliance with compulsory legal process to the courts.

Patients must request the disclosure of their health information by the health provider in writing. The authorization is valid for up to 90 days and is revocable. The provider must make the health information available within 15 working days or notify the patient of any delay, and may charge the patient a fee not exceeding the administrative costs of producing it.

Providers may deny patients access to health information: when access may be injurious to the patient; when access may violate other confidences; when access could endanger the life or safety of any individual; when the information is compiled solely for administrative, litigation or quality assurance purposes; or when access is prohibited by law.

A patient's health care information must not be disclosed by a provider pursuant to compulsory legal process without the patient's consent, or where the patient has first had the opportunity to obtain a protective order from the court that prevents a health provider from complying with a discovery request or compulsory process to produce the health information.

A provider must correct the health information upon request of a patient within 10 days of the request, unless the patient is notified of a delay within 21 days and notified of the time when the record can be corrected. If the provider refuses to make the correction, the patient has the right to insert a statement of disagreement with the information.

Providers must post a notice on their premises specifying the rights of access by patients to their health records pursuant to this act.

For violations of this act, a court may award actual, though not incidental, damages, and reasonable attorney fees and other expenses to the prevailing party. Actions for relief must be filed within two years of the discovery of the incident. Violations shall not be deemed violations of the Consumer Protection Act.

The Health Care Information Act does not modify the terms and conditions of disclosure under the state industrial insurance laws, and laws relating to juvenile justice, alcohol and drug abuse treatment, mental health, domestic relations, and sexually transmitted diseases.

Votes on Final Passage:

House	98	0	
Senate	43	2	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

SHB 1830

C 169 L 91

Clarifying that provisions relating to admissibility of children's statements apply to juvenile proceedings.

By House Committee on Judiciary (originally sponsored by Representatives H. Myers, Riley, Padden, Appelwick, Cooper, Winsley, D. Sommers, Bowman, Paris, Miller, R. Johnson, Brough, Silver, Forner, Ebersole, Fuhrman, Rasmussen, Brumsickle and Moyer).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: When a child is sexually or physically abused, the first person the child may tell is someone close to him or her, such as a parent, friend, or teacher. Those statements are "hearsay." Hearsay statements are inadmissible at trial unless an evidentiary rule or statute provides for their admission. A statute provides for the admission of child hearsay into evidence under certain circumstances. A statement made by a child under the age of 10 describing an act of sexual contact performed with or on the child by another is admissible in dependency and "criminal" proceedings if the court finds that the time, content, or circumstances of the statement indicate the statement is reliable, and the child either a) testifies at the hearing, or b) is unavailable as a witness and corroborative evidence of the abuse exists.

The statute has been applied in criminal proceedings against adults and against juveniles. However, in a recent superior court decision, the court held that the child hearsay statute did not apply to child victims of sexual abuse who were abused by juveniles.

The statute does not expressly provide that the statute applies in acts of attempted sexual contact.

Summary: The child hearsay statute is amended to clarify that the child hearsay statute applies in juvenile offender proceedings. The hearsay statute is also clarified to provide that it applies in cases involving attempted acts of sexual contact.

Votes on Final Passage:

House	98	0	
Senate	40	0	(Senate amended)
House	95	0	(House concurred)

Effective: May 15, 1991

ESHB 1831

C 22 L 91 E1

Designating certain transfers or purchases of ownership interest as a transfer of the ownership of real property and subject to the real estate excise tax.

By House Committee on Revenue (originally sponsored by Representatives Wang and Appelwick).

House Committee on Revenue

Background: The real estate excise tax is imposed on each sale of real property. The state tax rate is 1.28 percent. Additional local rates are allowed. Most cities and counties have imposed an additional 0.25 percent rate for capital improvements. This makes the total rate 1.53 percent in most areas.

An additional 0.25 percent rate is available for cities and counties not imposing the second 0.5 percent of the local sales tax. Also, a 0.25 percent rate is available for capital projects specified in a comprehensive plan. An additional 1 percent rate for acquisition and maintenance of conservation areas is available when approved by the voters.

The tax is applied to the selling price and the tax is paid by the seller except for the 1.0 percent rate for conservation areas. This portion is paid by the buyer.

The tax is applied when a sale occurs. A sale is defined as any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property. The acquisition of ownership of real property through stock purchases in the owning corporation is not a transaction subject to the real estate excise tax.

Summary: An excise tax is applied to transfers of corporate ownership that are comparable to a sale of real property. The rate of tax is equal to the state real estate excise tax.

The tax only applies when there is a transfer or series of transfers in any consecutive 12 month period of ownership of more than 50 percent of the stock of the corporation. Also, the tax only applies when the value of the real property assets of the corporation is more than 50 percent of the value of all assets held by the corporation. The tax does not apply to corporations with stock that is traded on public exchanges. The tax does not apply to partnerships. The tax does not apply if the taxpayer can show there is no intent to avoid the real estate excise tax.

Votes on Final Passage:

House	97	1
First Special Session		
House	90	0
Senate	47	0

Effective: July 2, 1991

SHB 1852

C 135 L 91

Providing funding for the fire services fund.

By House Committee on Revenue (originally sponsored by Representatives Wang and Holland; by request of Department of Community Development and Office of Financial Management).

House Committee on Revenue
Senate Committee on Ways & Means

Background: A license is required to manufacture, import, wholesale, sell or display fireworks in Washington. A license application is made to the director of fire protection within the Department of Community Development. A fee is charged at the time of application. License fee revenue is deposited in the general fund.

Summary: License fees for the manufacture, importation, sale and display of fireworks are increased. The manufacturer license fees are increased from $500 to $2,000; the importer license fee from $100 to $1,000; the wholesaler license fee from $1,000 to $2,000; the retailer license fee from $10 to $40; the fee for public display of special fireworks from $10 to $50; and the pyrotechnic operator license fee from $5 to $10.

The fire services trust fund is created in the state treasury. It is subject to appropriation. Fireworks license fees are deposited in the fire services trust fund.

Money in the fire services trust fund is dedicated to expenditures on (a) fire service personnel training, (b) maintenance and operation of the state's fire service training center, (c) lease or purchase of training equipment, (d) local grants, (e) costs of administering training programs and fireworks licensing and enforcement statutes and (f) fireworks safety education.

Votes on Final Passage:

House	73	25	
Senate	25	18	(Senate amended)
House	87	8	(House concurred)

Effective: July 1, 1991

HB 1853

C 223 L 91

Increasing fees for nonprofit corporation filings.

By Representatives Wang and Holland; by request of Office of Financial Management and Secretary of State.

House Committee on Revenue
Senate Committee on Ways & Means

Background: The secretary of state's office charges corporations fees to cover the cost of filing various documents. Fees are charged for filing documents such as articles of incorporation, articles of merger or consolidation, and applications of foreign corporations for a certificate of authority to conduct business in the state. Nonprofit corporation filing fees are lower than for-profit corporation fees, and range from $5 to $20 per document.

Summary: Nonprofit corporation filing fees are increased. The new fees range from $10 to $30 per document, depending on the type of document.

Votes on Final Passage:

House	96	0	
Senate	47	1	(Senate amended)
House	95	0	(House concurred)

Effective: July 1, 1991

ESHB 1856

C 23 L 91 E1

Making major changes to the weights and measures statutes.

By House Committee on Revenue (originally sponsored by Representatives Wang and Holland; by request of Department of Agriculture and Office of Financial Management).

House Committee on Revenue

Background: The accuracy of weights and measures used in commerce is monitored by the Department of Agriculture. Weights and measures include all instruments and devices for weighing and measuring, including grocery store scales, gas pumps, taxi cab meters, and meat scales.

The director of the Department of Agriculture is responsible for the accuracy of weights and measures. The standards by which weights and measures are tested and inspected are established by the National Bureau of Standards. These standards detail both the schedule for inspection and the testing procedure of weighing and measuring devices.

Cities over 50,000 in population are required to appoint a "city sealer" who tests and certifies weights and measures. City sealers are supervised by the director of the Department of Agriculture. Funding for city weights and measures testing and inspection programs are provided by the city.

The state weights and measures program is funded by the state general fund. However, funds to support the testing of track scales, used in the weighing and measuring of rail cargo, are collected from track scale owners. The department may prescribe and collect fees

to cover all costs for the inspection and testing of track scales.

Summary: The Department of Agriculture is directed to study the weights and measures program. The study shall include a determination of the appropriate level and form for the program and recommendations for an appropriate funding mechanism.

The Legislature intends to fund the weights and measures program from the general fund in fiscal year 1992 and thereafter based on the recommendations of the study.

Votes on Final Passage:

House	78	19
First Special Session		
House	84	6
Senate	25	22

Effective: September 28, 1991

SHB 1858

C 185 L 91

Authorizing cities and towns to cash employee checks, drafts, and warrants.

By House Committee on Local Government (originally sponsored by Representatives Bray, Roland and Haugen).

House Committee on Local Government
Senate Committee on Governmental Operations

Background: The state treasurer is authorized to cash state warrants issued to state employees or officers and the personal checks or drafts of state employees and officers. A state employee or officer must produce such identification as the treasurer may require and the check, draft, or warrant must be drawn to the order of cash or the bearer and be payable immediately by the drawee financial institution.

The treasurer may withhold from the official's or employee's payroll warrant the full amount of his or her personal check or draft that had been cashed by the treasurer, if the check or draft was dishonored by the drawee financial institution when presented for payment and the official or employee has been notified of the dishonor.

Cities and towns have not been granted similar authority to cash checks, drafts, and warrants for city or town employees.

Summary: Cities and towns are authorized to cash the following financial paper for their employees: (1) payroll checks, drafts, or warrants of the city or town; (2) expense checks, warrants, or drafts of the city or town; and (3) personal checks not exceeding $200.

A city or town may withhold from the employee's payroll check, draft, or warrant the full amount of the employee's check that was cashed by a city or town, if the check was dishonored by the drawee financial institution when presented for payment and the employee has been notified of the dishonor.

Votes on Final Passage:

House	86	9	
Senate	43	0	(Senate amended)
House	86	9	(House concurred)

Effective: July 28, 1991

SHB 1861

C 160 L 91

Making changes to the osteopathic medicine and surgery statutes.

By House Committee on Health Care (originally sponsored by Representatives Morris, Moyer, Edmondson, Braddock, Sprenkle and Paris).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: The state regulates the practice of osteopathy or osteopathic medicine and persons must be licensed as osteopathic physicians in order to practice osteopathy or osteopathic medicine. The regulatory program was transferred from the Department of Licensing to the Department of Health in 1989.

The state Board of Osteopathic Medicine and Surgery examines and licenses applicants for practice. A majority of all members constitutes a quorum for taking official action.

The licenses to practice osteopathy or osteopathic medicine, respectively, are deemed synonymous.

Applicants for licensure must submit evidence of good moral character, hold a degree from a legally chartered school and have served as an intern in a training program acceptable to the board.

The secretary has no authority to grant inactive licenses for persons desiring to leave active practice.

There are no exemptions from licensure for students enrolled in accredited osteopathic schools for osteopathic physicians in postgraduate training programs, or for persons in physician assistant training programs.

Applicants must pay an application fee, $15 of which is refundable.

Renewal fees are payable by May 1 annually, and there is no provision for the payment of late renewal fees.

Applicants for licensure must be personally examined by the board and must take a written examination

on specified subjects. There is no authority for the secretary to charge an examination fee.

License holders, when representing themselves professionally, must abide by the canons of ethics of the Washington State Osteopathic Association.

The board has no authority to issue a license without examination to osteopathic physicians in post-graduate training programs.

The board may issue licenses without examination to osteopathic physicians licensed in other states where the standards are equal to those of this state.

Summary: The osteopathic medicine practice act is updated generally, including references to the transfer of the regulatory program to the Department of Health, the correction of internal statutory references, and the elimination of gender-specific terminology.

A quorum of the board must be present at any meeting where action is taken.

The reference to the license to practice osteopathy is repealed, limiting the license to the practice of osteopathic medicine.

An applicant need no longer present evidence of good moral character, but must hold a degree from an accredited school approved by the board and must have served at least one year in a postgraduate training program approved by the board.

The secretary of the department is authorized to issue an inactive license to applicants desiring to leave active practice.

Exemptions from licensure under specified conditions are provided for students enrolled in accredited schools for osteopathic physicians in postgraduate programs and for persons in physician assistant training programs.

Application fees are no longer refundable.

The secretary may establish a late renewal fee. The board is authorized to determine by rule the parameters for licensure cancellation and re-licensure upon a failure to renew.

Applicants need no longer be personally examined by the board. Applicants must pay an examination fee and must take an examination in writing or by practical application on subjects common to the principles and practice of osteopathic medicine; or, in the alternative, applicants must take a board-administered examination on subjects the board deems advisable.

License holders must abide by the canons of ethics approved by the board.

The board may issue a license without examination to osteopathic physicians in board-approved postgraduate training programs upon the payment of the required fees. These licensees may practice solely in connection with the program and under the supervision of a licensed physician.

The authority of the board to grant applicants waivers from examinations in clinical subjects is repealed.

The board may issue licenses without examination to osteopathic physicians licensed in other states where the standards are substantially equivalent to those of this state.

Votes on Final Passage:

House	98	0
Senate	40	0

Effective: July 28, 1991

ESHB 1864

C 337 L 91

Changing requirements for removal of sand and gravel from aquatic lands.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Kremen, Haugen, Wilson, Roland, Braddock, Spanel, Rayburn, Rasmussen, Leonard, Bowman, R. Johnson, P. Johnson and Sheldon).

House Committee on Natural Resources & Parks
House Committee on Appropriations
Senate Committee on Environment & Natural Resources

Background: The Department of Natural Resources is authorized to sell stone, rock, gravel, or sand situated on aquatic lands to local governments for use in the construction, maintenance, or repair of roads located within the jurisdiction of the local government. The department is required to sell such materials at no less than the fair market value.

The department may authorize the use of rock, gravel, sand, or other materials situated on aquatic lands free of charge when such materials are: (1) removed for purposes of channel or harbor improvement, or flood control; and (2) used for public purposes.

Due to an apparent ambiguity in current law, there is some question as to whether the department is required to charge for materials removed from aquatic lands for purposes of channel or harbor improvement, or flood control when such materials are used subsequently for construction, maintenance, or repair of roads.

Summary: The requirement that materials removed from aquatic lands be sold at fair market value when sold to local governments for use in the construction, maintenance, or repair of roads is deleted. Instead, the department is prohibited from charging for such materials used by local governments for public purposes, including construction and maintenance of roads, dikes, and levees.

Votes on Final Passage:
House 98 0
Senate 41 2
Effective: July 28, 1991

ESHB 1877
C 316 L 91

Creating the Olympic natural resources center.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Hargrove, Belcher, Jones, Phillips, Jacobsen, Sheldon, Basich and Rasmussen).

House Committee on Natural Resources & Parks
House Committee on Capital Facilities & Financing
Senate Committee on Environment & Natural Resources

Background: The Commission on Old Growth Alternatives for Washington's Forest Trust Lands, which was created in June 1988 by the Commissioner of Public Lands, recommended creation of an Olympic Natural Resources Center. As envisioned by the commission, the purpose of the center would be to develop research and educational programs to support management of natural resources for both the production of commodities and the maintenance of ecological values.

During the 1989 session, the Legislature enacted SSB 5911 largely in response to concerns about emerging issues related to timber supply and old growth management. At the same time there was also considerable interest and concern about the impact that exploration for oil off the Washington coast might have on coastal resources. These concerns, in combination with others about the relationship of fisheries habitat, water quality, and timber management, prompted the creation of the Olympic Institute for Old Growth Forest and Ocean Research and Education in SSB 5911.

The institute is to be located on the west side of the Olympic Peninsula and operated by the University of Washington, with joint support from the College of Forest Resources and the College of Ocean and Fishery Science.

The purpose of the institute is to demonstrate innovative management methods which integrate environmental and economic interests into pragmatic management of forest and ocean resources. The institute is to combine research and educational opportunities with experimental forestry, oceans management, and traditional management knowledge.

The University of Washington was directed to develop a plan for the institute, based on recommendations of the Old Growth Commission.

Summary: The name of the Olympic Institute is changed to the Olympic Natural Resources Center. In developing programs, the center is directed to include research and education on: a broad range of ocean resource problems; forest resource management issues; interactions between marine, aquatic, and terrestrial ecosystems; integration of community production with preservation of ecological values; natural resources and their social and economic implications; and alternative social and economic bases for resource-based communities. The center is also directed to provide a neutral forum where conflicts can be addressed and resolved and to provide a range of educational opportunities.

The center is to operate under the authority of the University of Washington. A scientific or technical committee is to be appointed by the director of the center, and a policy advisory board is to be appointed by the governor.

Votes on Final Passage:
House 97 0
Senate 47 0 (Senate amended)
House (House refused to concur)
Conference Committee
Senate 43 0
House 97 0
Effective: July 28, 1991

HB 1878
C 140 L 91

Establishing minimum requirements for dealers' plates.

By Representatives Cooper, Betrozoff, R. Meyers, Day, Prince and Haugen.

House Committee on Transportation
Senate Committee on Transportation

Background: The Department of Licensing (DOL) is responsible for issuing vehicle dealer license plates to vehicle dealers and manufacturers who are licensed with DOL.

There are limitations on the use of dealer plates. However, there are no minimum vehicle sales limits established for vehicle dealers in order to qualify for dealer plates.

Summary: The Department of Licensing (DOL) is not to issue a dealer plate to any vehicle dealer selling fewer than five vehicles annually.

DOL is to limit the number of dealer plates to 6 percent of the vehicles sold during the previous license period.

Criteria are added for the use of manufacturers' license plates.

Dealers and manufacturers are to report the number of vehicles sold in the previous year.

Votes on Final Passage:
House 96 0
Senate 44 0

Effective: July 28, 1991

ESHB 1881
PARTIAL VETO
C 313 L 91

Changing the method for determining the number of district court judges.

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Paris, May, Winsley, Wood and D. Sommers).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The base number of district court judges for each county is set by statute. A county may as a matter of right add one more full-time district judge, but otherwise is limited to adding new judges only when there is an increase in the population of the court's district.

A district court judge who serves a district of 40,000 or more people, or who is paid more than $40,000, must be a full-time judge. Other judges are part-time.

In 1987, the Legislature required the administrator for the courts to study how a weighted caseload analysis might be used to determine the number of district judge positions and to present recommendations to the Legislature by January 1, 1989. The 1987 act stated that it is the intent of the Legislature that the weighted caseload method be the basis for determining additional district court positions.

Summary: After January 1, 1992, any changes in the number of district court judges will be determined by the Legislature based on a weighted caseload analysis. By December 1, 1991, the Supreme Court is to document the number of full and part-time district judges and develop a process to implement the use of a weighted caseload analysis.

Based on the data collected, the Supreme Court will recommend to the Senate Law and Justice Committee and the House Judiciary Committee that the number of district court judges in a particular county be increased or decreased. Along with each recommendation the administrator for the courts, under the supervision of the Supreme Court, must provide a state and local cost analysis. If new positions are recommended and adopted by the Legislature, a county must approve the additions and agree to pay for them before the positions become effective. The county may pay for the new positions with funds from the Criminal Justice Account. The county may phase in a new position over two years from when the position becomes effective. If a county wishes to change the number of its district court judges, it must request the aid of the Supreme Court.

Votes on Final Passage:
House 97 0
Senate 38 0

Effective: July 28, 1991

Partial Veto Summary: The governor's partial veto removes an amendatory section of the bill that is inconsistent with the number of district court judges established in four counties by HB 1467. The partial veto does not affect the way in which the number of judges is to be established after January 1, 1992. (See VETO MESSAGE)

EHB 1883
PARTIAL VETO
C 145 L 91

Encouraging gasohol.

By Representatives R. Meyers, Chandler, Grant, Nealey, Hochstatter, McLean, Vance, Riley, Bray, Paris, Jacobsen, May, Betrozoff, Wynne, Moyer, D. Sommers and Rasmussen.

House Committee on Energy & Utilities
House Committee on Transportation
Senate Committee on Energy & Utilities

Background: Gasohol, 90 percent gasoline and 10 percent ethanol, reduces dependency on imported oil; uses indigenous, renewable feedstocks; and causes less air pollution when burned.

A number of financial incentives have been established to encourage production of ethanol for use in gasohol and to encourage gasohol distribution. Among these incentives is the exemption of motor vehicle fuel alcohol manufacturers and gasohol distributors from the business and occupation tax and the partial exemption of these manufacturers and distributers from motor vehicle fuel tax until December 31, 1992.

Summary: The motor vehicle fuel tax exemption is continued until December 31, 1999.

The director of the Department of Agriculture, with the concurrence of the Department of Ecology, may grant a variance from the American Society for Testing Materials (ASTM) standards for motor vehicle fuels if necessary to produce a fuel with lower emissions.

Votes on Final Passage:

House	98	0	
Senate	44	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

Partial Veto Summary: The section authorizing the variance from ASTM standards is removed because the same authorization is contained in the Clean Air Bill. (See VETO MESSAGE)

ESHB 1884

C 301 L 91

Providing for domestic violence programs and community response.

By House Committee on Judiciary (originally sponsored by Representatives Ebersole, Forner, Belcher, Locke, Spanel, Peery, Phillips, H. Myers, Riley, R. Johnson, Paris, Wineberry, Ogden, Ludwig, Edmondson, Zellinsky, Brough, Jacobsen, Nelson, Miller, Holland, Winsley, Roland, Hine, Brekke, Rasmussen, Fraser, Mitchell and Orr).

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Law & Justice
Senate Committee on Ways & Means

Background: The Human Services Roundtable, which is comprised of voluntary local organizations, met for a period of two years and worked with criminal justice representatives, victim advocates, health care providers, and others to develop recommendations for responses to domestic violence. The roundtable made a number of recommendations for development of new programs, expanded funding of existing programs, increased research on domestic violence and related issues, and also made recommendations for substantive changes in the law.

Some existing domestic violence programs include grant programs to local shelters through the Department of Social and Health Services and victims compensation funding to victims of domestic violence.

Victims of domestic violence may receive money through crime victims compensation for certain services. However, victims may not receive compensation under the program if the victim consented, provoked, or incited the act that led to the injury for which the victim seeks compensation.

Last year, the Legislature authorized counties to impose an optional local sales and use tax. Any revenues generated under the tax are to be used exclusively for criminal justice purposes, and may not replace or supplant existing funding.

The Domestic Violence Protection Act provides a procedure for a person who is a victim of domestic violence to obtain an order for protection in a civil proceeding.

If a criminal proceeding is pending or a person is sentenced for an act of domestic violence, the victim may obtain a no-contact order through the criminal proceeding. Various crimes are considered "domestic violence" when the crime is committed by one family member against another. Under the domestic violence laws, the term "family or household members" means "adult persons" related by blood or marriage, persons who are presently residing together, or who have resided together in the past, and persons who have a child in common. The definition is ambiguous about whether the act governs juveniles. Violations of no contact orders or orders of protection are misdemeanors.

Under the criminal law, assaults range from gross misdemeanors to class A felonies depending upon the seriousness of the assault. Certain assaults that would ordinarily be considered gross misdemeanors are increased to class C felony status for various reasons, such as the assault occurred against an officer in the performance of the officer's duties. A class C felony carries a maximum penalty of five years in custody, although the sentencing reform act's provisions determine the actual range. Reckless endangerment may be a gross misdemeanor which carries a maximum penalty of one year in jail or a class C felony, depending on the degree of the crime. Currently, the class of an assault or reckless endangerment does not increase when the crime is committed in violation of a protective or no-contact order.

Certain confidentiality statutes prohibit dissemination of records maintained by an agency about the treatment of a victim. For example, a statute restricts dissemination by a rape crisis center of the records concerning a rape victim unless a specific procedure is followed by a court upon motion for review of the records. No similar provision exists for maintaining the confidentiality of records that may be maintained by a domestic violence program. The public disclosure laws do not specifically exempt these records from public disclosure and copying laws.

Parents who abuse their children and who are ordered removed from the home must obtain treatment prior to returning home. The parent must pay for the

treatment according to a schedule established by the Department of Social and Health Services based on the parent's ability to pay.

Summary: Legislative findings: The Legislature makes a number of findings about the severity of the problem of domestic violence, the need for an integrated and adequately funded system to assure a wide range of services, the need for establishing quality standards for treatment programs, training of professionals, and further research. The Legislature also finds that a perpetrator's alcohol and substance abuse may be a contributing factor to domestic violence.

Victims compensation - restriction on compensation when victim consented or provoked the violence: The restriction on receiving crime victims' compensation funds when the victim consented, provoked, or incited the act resulting in injury is amended. In cases of domestic violence, when determining whether the victim consented or provoked the act, the reviewer must consider who was the primary physical aggressor. This provision is contingent on funding in the budget.

Victims compensation - counseling and benefits for the victim and family members: Victims of domestic violence are entitled to receive appropriate counseling. The Department of Labor and Industries will set fees for counseling. The benefits for the victim must be based upon the entire abusive relationship for which the victim claims benefits. This provision is contingent on funding in the budget.

Technical assistance program: The Department of Social and Health Services must establish a local assistance program to assist local communities in determining how to respond to domestic violence. A county or a group of counties can apply for technical assistance grants to develop a comprehensive plan for dealing with domestic violence. This provision is contingent on funding in the budget.

Use of optional sales tax revenues for domestic violence advocates: The use of the local optional sales tax for criminal justice purposes is amended to include funding for domestic violence community advocates. Funding from tax revenues is permissible if, prior to the effective date of this provision, and prior to voter approval, the county legislative authority adopted a financial plan that includes spending part of the money for the advocates.

Department of Social and Health Services standards for programs that treat batterers: The Department of Social and Health Services must adopt rules for standards of approval of domestic violence programs that treat batterers. The programs must: (1) provide treatment that meets certain minimum qualifications; (2) require the batterer to sign release of information forms; (3) have policies and procedures for dealing with reoffenses; (4) provide criteria for completion of treatment; and (5) have qualified personnel to evaluate and treat the batterers. These provisions are contingent on funding in the budget.

Department of Health study regarding certification of domestic violence perpetrator counselors: The Department of Health must conduct a study to determine whether counselors who treat domestic violence perpetrators should be certified. The department must conduct the study in accordance with provisions enacted in 1990 that declare that the Legislature intends not to regulate health professions except for the purpose of protecting the public interest.

Treatment of parents removed from the home: Parents who abuse their children and who must obtain treatment prior to returning home must pay for the treatment services unless otherwise eligible for financial assistance. Parents are not entitled to the services or to financial assistance as a matter of right.

Establishing a class C felony assault for assaults committed in violation of a protective order: Certain assaults that would otherwise be misdemeanors are made class C felonies. An assault that is committed in violation of a no-contact order issued under a criminal action for a crime involving domestic violence or an ex-parte or permanent protective order issued under the Domestic Violence Protection Act is a class C felony, unless it qualifies as an assault in the first or second degree which are class A and B felonies respectively.

Reckless endangerment for recklessly endangering a person in violation of a protective order: A person is guilty of a class C felony if the person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person and the conduct is in violation of a no-contact order issued under a criminal action for a crime involving domestic violence or an ex-parte or permanent protective order issued under the Domestic Violence Protection Act.

Adding reckless endangerment in the first degree to the list of domestic violence crimes: Reckless endangerment in the first degree is added to the list of crimes that are defined as a crime of domestic violence when the crime is committed by one family or household member against another.

Changing the definition of "family or household members" in the civil and criminal statutes on domestic violence: The definition of "family or household members" is amended to provide that the term does not apply to juveniles unless the juveniles have a child in common, are spouses or former spouses.

Confidentiality of client records maintained by domestic violence programs: The records maintained by a domestic violence program, which is defined as an agency that provides shelter, advocacy, and counseling

for domestic violence victims, are confidential and may not be released unless: a written pretrial motion supported by affidavit states the reason for the discovery request; the court examines the records in camera to determine whether the probative value of the records outweighs the victim's privacy interest in maintaining confidentiality; and the court enters an order setting forth which portions of the records are subject to discovery, and setting forth the reasons in writing. The public disclosure law is amended to provide that domestic violence program records and rape crisis center records are not subject to the public disclosure laws.

Domestic Violence Shelters Act definitions: The Domestic Violence Shelter Act's definition section is amended to define community advocate, domestic violence programs, and legal advocate.

Null and void clauses: The crime victims compensation provisions, the requirement that the Department of Social and Health Services adopt standards for approval of domestic violence perpetrator programs, and the technical assistance grant program, are null and void if funding is not provided in the budget.

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991
May 20, 1991 (Section 14)

SHB 1885

C 252 L 91

Creating the teachers recruiting future teachers program.

By House Committee on Education (originally sponsored by Representatives Roland, Forner, Peery, Orr, G. Fisher, Cole, Scott, Haugen, Vance, Riley, Pruitt, Jacobsen, Nelson, Ebersole, Winsley and Rasmussen).

House Committee on Education
Senate Committee on Education

Background: There is some concern that a shortage of qualified teachers is developing in Washington schools. The supply of teachers is affected by competition for college graduates from business and other professions. With respect to demand, an increase is predicted in the number of children coming of school age. In Washington, this problem is aggravated by the growing influx of new families from other states and foreign countries.

Some school districts in Washington operate "Teachers Recruiting Future Teachers" programs. The purpose of these programs is to encourage more students to enter the teaching profession.

Summary: A teachers recruiting future teachers program is created in the Office of the Superintendent of Public Instruction (SPI). Subject to funds being appropriated, SPI is required to promote and replicate the teachers recruiting future teachers model program and to promote and expand the annual Education Week program at Central Washington University or other institutions of higher education. SPI, working with the directors of both programs, shall adopt rules to implement the act. A null and void provision is included.

Votes on Final Passage:

House	98	0	
Senate	44	4	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	40	6	
House	98	0	

Effective: July 28, 1991

SHB 1886

PARTIAL VETO

C 348 L 91

Requiring drug and alcohol evaluation and treatment in the event of a vehicular crime.

By House Committee on Judiciary (originally sponsored by Representatives H. Myers, Padden, Cooper, Morris, Ogden, Peery, Tate, Ludwig, Fuhrman, Paris, Wineberry, May, Winsley, Sheldon, Rasmussen and Orr).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Persons convicted of driving while under the influence of intoxicating liquor or drugs are required as a part of their sentence to attend an information class or to undergo a diagnostic exam or to do both. If the court finds, based on the exam, that the offender has a drug or alcohol problem, the court will order the person to attend a treatment program approved by the Department of Social and Health Services.

Under the Sentencing Reform Act of 1981, a court may require some felony offenders to complete up to a year of community supervision. The court may impose conditions on community supervision that are related to the crime of conviction. For a first-time felony offender, a court may waive the sentence otherwise called for under the Sentencing Reform Act and require com-

munity supervision of up to two years or imprisonment of up to 90 days, or both.

A person convicted of a felony sex offense or a serious violent offense is sentenced to community placement in addition to the time the person serves in prison. If the person is released from prison early for good behavior and performance, the community placement extends for the length of time earned for good behavior. If less than two years of early release have been earned, community placement is for two years. The mandatory conditions for community placement are: (1) supervision by a community placement officer, the cost for which may be paid for in part or entirely by the offender; (2) employment that is approved by the Department of Corrections; and (3) no consumption of controlled substances except for prescription medication. The court may also impose a number of other conditions.

Summary: Additional sentencing requirements are imposed for persons convicted of vehicular homicide or vehicular assault as a result of driving while under the influence of intoxicating liquor or drugs.

Offenders who are sentenced for a year or less are subject to conditional community supervision that requires the offender to undergo a diagnostic test to determine if the offender has an alcohol or drug problem. If so, the offender must complete a treatment program approved by the Department of Social and Health Services.

Offenders who are sentenced for more than a year are subject to conditional community placement and must undergo a diagnostic exam and any treatment required as a result of the exam.

Votes on Final Passage:

House	98	0
Senate	44	0

Effective: July 1, 1991

Partial Veto Summary: The governor's partial veto removes the portion of the bill dealing with offenders who are sentenced to more than a year in confinement. (See VETO MESSAGE)

EHB 1890

C 8 L 91 E1

Revising provisions for the regulation of nursing homes.

By Representative Braddock; by request of Office of Financial Management and Department of Social and Health Services.

House Committee on Health Care

House Committee on Appropriations

Background: The state's nursing home program provides residential health care to eligible persons who are no longer capable of independent living and require nursing services. Nursing homes receive reimbursement for services from three major sources: private payment, Medicare and Medicaid. Approximately 66 percent of the total nursing home population is Medicaid eligible. The Department of Social and Health Services (DSHS) contracts with nursing homes to provide care for Medicaid patients and establishes the Medicaid reimbursement rates. Medicaid rates are set prospectively on a per patient, per day basis. The Legislature adjusts rates through appropriation. Rates for each facility can be further adjusted due to changes of more than 10 percent in patient classifications, program changes, staffing levels, or capital additions required by licensure.

Cost center lids: Currently, the Medicaid reimbursement system defines allowable costs as all those costs related to care of recipients. Allowable costs are divided into four "cost centers" for calculating reimbursement costs to contractors. These four cost centers are: nursing services; food; administration and operations; and property. These cost centers are subject to a cost growth index lid for each fiscal year.

Licencing fees: DSHS establishes licencing fees for each Medicaid certified nursing home. A yearly licensing inspection and one follow-up inspection must also be conducted by the department. The licensing inspection fee is currently $12 per bed. This amount does not reflect the total cost associated with the licensure process.

Medicare certification: Two hundred seventy-five nursing homes currently participate in the Medicaid program. One hundred five of these facilities are certified to care for private and Medicare eligible residents. The number of Medicare clients is rising rapidly. The federal government pays 100 percent of the reimbursement costs for Medicare nursing home residents.

Facility depreciation: Nursing homes receive reimbursement for facility depreciation as part of their Medicaid daily rate. When a nursing home is sold, the seller keeps all funds paid, without liability to repay the department for unrealized depreciation.

Limit on nursing pool reimbursement: Currently the cost of temporary nursing labor, provided by a nursing pool, is a reimbursable expense for Medicaid patients. The nursing home can include the expense in its daily Medicaid rate. Nursing pools are entrepreneurial organizations that contract with nursing homes and other health facilities to provide temporary nursing services. Registered Nurses, Licensed Practical Nurses, and, Nursing Assistants are furnished by these "agencies" or "pools" on an as-needed basis. The rates that nursing

pools charge health care facilities are not currently regulated.

Financing allowance: The financing allowance is the percent of return on the net book value of the assets used in the provision of a patient's care. Currently the allowance is 11 percent.

Summary: Cost center lids: The nursing services cost lid is lifted for fiscal year 1992.

Licensing fees: The nursing home licensure fee is raised to an amount adequate to reimburse the department for the costs of the nursing home licensing process. The new fee is $133 per bed.

Medicare certification: All nursing homes must become Medicare certified for no less than 15 percent of each facility's total licensed beds.

Facility depreciation: DSHS is allowed to recover previously paid funds when a sale of a nursing home results in a profit. The purchaser of a nursing home is required to pay the department the amount of accumulated depreciation paid to the prior operator, and the sale price of the facility must reflect the amount of the accumulated depreciation.

Limit on nursing pool reimbursement: A limit is placed on Medicaid reimbursement for nursing pool costs to an amount equal to that of the wages paid in facilities within Washington's Medicaid program.

Financing allowance: The amount reimbursed to nursing homes for financing costs is reduced from 11 percent to 10 percent.

Other policy issues: Current statutory language in the nursing home reimbursment chapter is amended to prohibit an increase in reimbursment as a result of a sale of land. Land is not recognized as an appreciable asset retroactively or in the future.

All statutory references to "skilled nursing facilities" and "intermediate care facilities" are eliminated and replaced with "nursing facility." Existing language regarding resident needs assessments is eliminated. DSHS is given the authority to design an assessment system that is in compliance with federal requirements. In addition, the department is allowed to develop regulations for handling nursing home resident personal funds as directed by the federal government.

Votes on Final Passage:

First Special Session		
House	59	38
Senate	25	21

Effective: September 28, 1991

HB 1891

C 4 L 91 E1

Coordinating the basic health plan with medical assistance.

By Representatives Braddock and Wineberry; by request of Washington Basic Health Plan and Office of Financial Management.

House Committee on Health Care
House Committee on Appropriations
Senate Committee on Ways & Means

Background: The Washington Basic Health Plan (BHP) was established as a demonstration project in 1987 to provide basic health care benefits for up to 30,000 individuals, under the age of 65, who are ineligible for Medicare, and whose gross family income is at or below 200 percent of the federal poverty level.

Since the passage of the BHP statute in 1987, the state has expanded Medicaid eligibility for pregnant women and for infants, under the First Steps Program, and for children up to age 18, under the Second Steps Program. Consequently, many persons originally eligible only for BHP may now be eligible for Medicaid. The governor's 1991-93 budget limits BHP enrollment to 20,000 people, a number which was recently reached.

Of the 20,000 people to be enrolled in the BHP, a number are pregnant women and young children who may also be eligible for Medicaid coverage. Payment for Medicaid coverage is from a combination of state and federal funds. BHP funding is a combination of state general funds and premium payments by the persons enrolled. The Office of Financial Management (OFM) feels by improving coordination between the BHP and Medicaid, the state can expand access to services for low-income citizens within current budget limits.

The recently completed state health care purchasing study emphasizes the need for greater coordination of health care purchasing activity between state agencies and encourages the use of managed health care systems. By coordinating coverage between BHP and Medicaid, it may be possible for individuals to remain with their BHP managed health care plan, even though their coverage may change from BHP to Medicaid.

Regarding a separate issue, the present 10 percent reserve account required for the BHP trust account may be excessive and limit the amount of funds available for services. OFM feels that a 5 percent reserve will be adequate.

Summary: The BHP statute that inhibits Medicaid reimbursement for BHP members is amended. Upon federal government approval, funds will be more

accessible to BHP, while allowing families to stay with their chosen managed health care system. The Department of Social and Health Services may make Medicaid payments either to BHP or directly to a managed health care system. BHP is required to identify persons who are eligible for Medicaid and to require individuals to apply for such coverage, when BHP determines that it is appropriate to do so.

The amount which BHP maintains as a financial reserve is also reduced from 10 percent to 5 percent of anticipated annual program costs.

Votes on Final Passage:

House	98	0
First Special Session		
House	91	0
Senate	44	0

Effective: July 1, 1991

ESHB 1907

C 30 L 91 E1

Regulating local government self-insurance.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Dellwo, Broback, Zellinsky, Mielke, Anderson, R. Meyers, Winsley, Inslee, Paris, Dorn, Schmidt, Scott and R. Johnson).

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: In 1979, the Legislature authorized local government self-insurance of liability risks. The Legislature also authorized the formation of joint self-insurance programs whereby local government entities could join together to self-insure their liability risks. The Legislature later amended the legislation to also authorize local government self-insurance of property risks.

In 1985, the Legislature amended the local government self-insurance act to permit school districts and educational service districts to self-insure their employee health and welfare benefit plans in accordance with rules adopted by the Superintendent of Public Instruction (SPI). The legislation did not authorize self-insurance of employee health and welfare benefit plans for other local government entities.

Under the local government self-insurance statute, the state risk manager has the responsibility for approving the creation of new joint property and liability self-insurance programs. The state risk manager has no other ongoing oversight responsibility and no rule-making authority with respect to joint self-insurance programs. Once approved, all oversight responsibility falls to the state auditor. Individual local government self-insurance programs are not subject to statutory or regulatory oversight except for periodic review by the state auditor.

School district and educational service district self-insurance programs are subject to the rules adopted by the Superintendent of Public Instruction. SPI has adopted rules for the operation and management of school district health and welfare benefit programs but does not enforce the rules. SPI has asked to have its responsibility for regulating these programs removed and placed with a more appropriate regulatory agency.

The state auditor audits fiscal and legal compliance for all public accounts in the state of Washington, which includes all local government self-insurance programs. In its 1990 annual report, the state auditor recommended that the Legislature revise local government self-insurance statutes to prevent and correct several problems.

Summary: The existing statute governing local government self-insurance programs is repealed in its entirety. All local government entities are authorized to self-insure property and liability risks and employee health and welfare benefits only as permitted under the new act.

An advisory board, comprised of five persons appointed by the governor, is created to assist the state risk manager in approving joint local government self-insurance programs covering property or liability risks. The board will also assist in adopting management and operation rules to be followed by both individual and joint local government self-insurance programs covering property or liability risks.

Another advisory board, comprised of six persons appointed by the governor, is created to assist the state risk manager in approving both individual and joint local government self-insured health and welfare benefit plans and in adopting rules for the management and operation of such plans.

Except for individual self-insurance of property and liability risks by local government, which is not subject to the prior approval requirements of the act, the state risk manager must either approve or disapprove a plan to create a self-insurance program within 120 days of a filing of a management and operation plan conforming to statutory and regulatory standards. The state risk manager must also approve or disapprove any change to the initial plan within 60 days of filing of a notice of plan changes.

The state risk manager may order any local government to cease and desist from any act or practice in violation of the act or threatening the solvency of the insurance program. If the entity fails to comply with the order, the state risk manager must notify the state auditor and the attorney general of the violation and may

levy a fine of not less than $300 nor more than $10,000.

Individual local government self-insurance programs covering property or liability risks, which are not required to be approved by the state risk manager, must file a notice with the state auditor indicating who manages the program and what classes of risks are covered.

Local governments which have decided to assume a class of risks rather than insure or self-insure against loss must have available for inspection by the state auditor a report indicating that such a decision was made by the governing body of the local government.

Special procedures are established for local government participation in a multi-state self-insurance program.

Conflicts of interest are prohibited.

Local governments must have complete control over any joint self-insurance program.

Third party administrators and other businesses contracting with a self-insurance program must be subject to service of process within Washington State.

School district funds for employee benefits are still subject to the Superintendent of Public Instruction's budget and accounting rules which must be consistent with rules adopted by the state risk manager.

Agents and brokers doing business with any self-insurance program must comply with insurance code provisions governing fees and commissions.

Initial funding for creation of a regulatory program is provided by fees set, levied, and collected by the advisory boards.

Funding of other regulatory responsibilities is provided through fees set by the state risk manager. The state risk manager may collect application and investigation fees from individual and joint local government self-insured employee health and welfare benefit programs and from joint local government self-insurance programs covering property or liability risks.

Every local government self-insurance program that has been in operation for at least one year prior to the effective date of the act has until January 1, 1993, to obtain approval from the state risk manager. Local government authority to self-insure health and welfare benefits is made retroactive to 1979.

Votes on Final Passage:

House	82	16	
First Special Session			
House	77	16	
Senate	45	0	(Senate amended)
House	80	13	(House concurred)

Effective: January 1, 1992

SHB 1909

C 5 L 91 E1

Increasing the capital and surplus requirements of insurance companies.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Dellwo, Paris and R. Johnson; by request of Insurance Commissioner).

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: Insurance companies wishing to obtain a certificate of authority to do business in Washington must demonstrate that they possess capital and surplus of an amount specified by statute. The amount of capital and surplus required depends upon the kinds of insurance that will be sold. For example, life insurance companies must have $2,000,000 in capital and surplus, and property/casuality insurance companies must have $3,400,000 in capital and surplus.

Once issued a certificate of authority, the insurance company is deemed an admitted company. An admitted company may be a domestic company formed under Washington law, a foreign company formed under the laws of another state, or an alien company formed under the laws of another country. Companies not authorized to do business in Washington (non-admitted companies) can still sell coverage in Washington but only through surplus lines brokers and subject to strict limitations.

A surplus lines broker may not place surplus line insurance (insurance that cannot be obtained from an admitted company) with insurers which do not meet the capital and surplus requirements for admitted companies. If the non-admitted company is an alien insurer, the alien insurer must file a trust agreement with the insurance commissioner evidencing a trust deposit of at least half the capital and surplus amount for the benefit of United States policyholders.

Summary: The capital and surplus requirements for admitted insurance companies is doubled, e.g. $4,000,000 for life insurers. The capital, surplus, and trust requirements of non-admitted companies are also substantially increased, e.g. foreign non-admitted companies must maintain at least $6,000,000 in capital and surplus or substantially equivalent capital funds of which $1,500,000 is capital. These requirements do not apply to companies admitted prior to the effective date of the act.

Votes on Final Passage:
House 98 0
First Special Session
House 89 4
Senate 43 0
Effective: July 1, 1991

HB 1910
C 120 L 91

Making medicare supplemental insurance conform to federal law.

By Representatives Dellwo, R. Johnson, Paris, Inslee, Brough, Winsley, Wood, Van Luven and Moyer; by request of Insurance Commissioner.

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: In 1981, the Legislature enacted the Medicare Supplemental Health Insurance Act. The law was a response to an amendment Congress made to the Social Security Act in 1980. The amendment established federal standards based upon a National Association of Insurance Commissioners (NAIC) model act for medicare supplemental health insurance policies, often referred to as medigap policies. Policies issued in states which had adopted a regulatory program no less stringent than the federal standards were deemed to be "certified" medigap policies.

The state medigap law requires the insurance commissioner to adopt rules establishing minimum standards for medigap policies. The law limits cancellation and non-renewal of medigap policies, prohibits certain policy limitations and conditions, and requires certain disclosures. In addition, the law sets loss ratio standards for both individual and group policies to ensure that policies return a certain level of benefits to consumers.

Last year, as part of the Omnibus Budget Reconciliation Act, Congress amended the federal law governing medigap policies. The changes require the NAIC to amend their model medigap law by August 5, 1991 to conform to new federal standards for medigap policies or else the secretary of the U. S. Department of Health and Human Services will develop the new model regulations. Under the amendment, states have one year to amend their regulations to conform to the model law. If a state's regulations do not conform, all medigap policies sold in the state must be certified by the secretary. The federal amendment also increases the loss ratio requirements for individual policies, requires an insurance rate approval process, and generally modifies previous standards to increase consumer benefits and protection.

Summary: The insurance commissioner is authorized to adopt such rules as are necessary to conform state law to federal law governing medicare supplemental health insurance.

Votes on Final Passage:
House 98 0
Senate 38 0
Effective: July 28, 1991

SHB 1911
C 182 L 91

Defining city and county licensing procedures for state licensed massage practitioners.

By House Committee on Local Government (originally sponsored by Representatives Haugen, Wynne, Anderson, Ferguson, Basich, Cooper, Belcher, Fraser, Zellinsky, Prince and Nelson).

House Committee on Local Government
Senate Committee on Health & Long-Term Care

Background: State licensing requirements to practice massage: No person may practice massage or represent himself or herself as a massage practitioner without a license issued by the State Department of Health. To qualify for a license, a person must successfully complete an approved massage program or approved apprenticeship program; pass an examination administered or approved by the State Board of Massage; and be at least 18 years old. The examination consists of a written and practical examination.

Massage practitioners are subject to examination fees, license fees, and license renewal fees by the Department of Health. Licenses are valid for one year. Persons licensed as massage practitioners are subject to the Uniform Disciplinary Act for Health Professionals.

The Washington State Board of Massage is responsible for adopting rules to establish standards and procedures for approving courses of study; approving schools and programs; reviewing approved schools and programs periodically; preparing, grading, administering and supervising examinations for applicants for licensure; and determining which states have educational and licensing requirements equivalent to Washington State.

Local licensing requirements to practice massage: The state license and fee requirements for massage practitioners are not exclusive. Local governments are authorized to require registrations or licenses, and charge fees for these purposes, to regulate the practice of massage.

State and local law enforcement personnel are also authorized to inspect a massage practitioner's premises at any time including business hours.

Summary: A person seeking a license from a city or county to operate a massage business must verify that he or she is validly licensed as a massage practitioner by the state.

A city or county may not subject a state licensed massage practitioner to additional licensing requirements that are not imposed on other similar health care providers, such as physical therapists or occupational therapists.

A city or county may not charge a state licensed massage practitioner a licensing or operation fee that exceeds licensing or operation fees imposed on similar health care providers, such as physical therapists or occupational therapists, operating in the same city or county.

Votes on Final Passage:

House	97	0
Senate	48	0

Effective: July 28, 1991

SHB 1915

C 29 L 91

Providing employment services in mental health programs.

By House Committee on Human Services (originally sponsored by Representatives R. King, Prentice, Morris, Prince, Nealey, Ogden and Chandler).

House Committee on Human Services
Senate Committee on Health & Long-Term Care

Background: Vocational services have proven to be an important tool in the treatment of the mentally ill. Historically, neither the state nor the counties have been under any specific obligation to provide vocational services to this population. Many counties do, however, provide these services.

Summary: In providing treatment for the county's mentally ill, the County Mental Health program will provide employment services that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. These employment services may include supported employment, transitional work, placement in competitive employment, and other work related services. Other sources of funding, such as the Division of Vocational Rehabilitation, may be utilized to maximize federal funding and provide for integration of services.

Votes on Final Passage:

House	98	0
Senate	44	0

Effective: July 28, 1991

SHB 1919

C 217 L 91

Providing for a reduction in automobile insurance and the disbursement of information on the effects of alcohol and drugs on driving.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Valle, Dellwo, Sprenkle, Scott, Winsley, Prentice, Rasmussen, Bowman and Leonard).

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: Public high schools offer traffic safety education courses and driver instruction courses.

Summary: The Superintendent of Public Instruction is required to include in traffic safety education courses and driver instruction courses, information concerning the effects of alcohol and drugs on motor vehicle operators and the consequences of operating motor vehicles under the influence of alcohol and drugs.

Votes on Final Passage:

House	98	0	
Senate	39	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 28, 1991

SHB 1931

C 161 L 91

Raising the limit on nonprofit raffles.

By House Committee on Commerce & Labor (originally sponsored by Representatives Brough, Grant, Brumsickle, Broback, Neher, Morris, Mielke, Cantwell, Chandler, Van Luven, D. Sommers, Holland, Wilson, Bowman, Mitchell, Ferguson, Wynne and Forner).

House Committee on Commerce & Labor
House Committee on Revenue
Senate Committee on Commerce & Labor

Background: No taxes may be imposed on a charitable or nonprofit organization's bingo games, raffles, or amusement games when the gross income from all of these events does not exceed $5,000 per year.

Summary: Taxes may be imposed on charitable or nonprofit raffles only on net receipts exceeding $10,000 dollars per year. The lower limit for taxation of bingo and amusement games remains $5,000.

Votes on Final Passage:

House	98	0
Senate	38	0

Effective: July 28, 1991

SHB 1936

C 209 L 91

Allowing high school graduation requirements to satisfy coursework requirements for undergraduate admissions.

By House Committee on Higher Education (originally sponsored by Representatives Dorn, Ferguson, Jacobsen, Orr, Grant, Roland, Rasmussen, Winsley, Broback and Rayburn).

House Committee on Higher Education
Senate Committee on Higher Education

Background: The Higher Education Coordinating Board establishes minimum admission standards for the four-year universities and college. The standards include a required number of high school courses in six core areas that each high school student must take before the student's freshman year in college. The institutions may require additional courses. The board's standards do not apply to students entering a community college.

The courses required in core areas include four years of English, three years of social studies, two years of a foreign language, and three years of mathematics. Also required are two years of science, with at least one of those a laboratory science, and one year of either a fine, visual or performing art, or a college prep elective from another core area. Within those core areas, various types of courses are either required or recommended.

In addition to the courses that meet current requirements in each core area, the board has created a process for approving additional courses that will meet the requirements. The board has delegated the responsibility for course approval to the Interinstitutional Committee of Records and Admissions Officers (ICORA). ICORA is in the process of refining its procedure for reviewing high school courses that do not meet current requirements.

The current standards are based on traditional subject matter delivered through traditional methods, e.g. carnegie units. As high school curriculum is reformed, personnel in the K-12 system want to be assured that the procedure for approving high school coursework will be revised to recognize the reformed methods of delivering that coursework. Some of these reforms include interdisciplinary classes, equivalency classes, measuring student competencies, and a curriculum that combines vocational and academic instruction.

Summary: By May 15, 1991, the Higher Education Coordinating Board, the state Board of Education, and the Superintendent of Public Instruction will convene a task force. The purpose of the task force is to recommend a process for evaluating and accepting a student's high school coursework for entrance into a college or university.

The task force is to design the process to accomplish six goals. The process should give college freshmen a reasonable assurance that their high school coursework has prepared them to succeed in college, and should recognize the changing nature of high school crediting and instruction. The process should also recognize and award appropriate credit for measurable student competencies, and for curriculum and competencies learned in a variety of ways. In addition, the process should achieve decisions in a reasonable amount of time, and, under special circumstances, provide for on site reviews, and for an appeal process.

By December 20, 1991, the Higher Education Coordinating Board and the Superintendent of Public Instruction will report their recommendations to the governor and the House and Senate Higher Education and Education committees. If the agencies are unable to reach agreement on a process, the report may include areas of agreement and disagreement.

The bill declares an emergency and takes effect immediately.

Votes on Final Passage:

House	98	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: May 16, 1991

ESHB 1938

C 54 L 91

C 329 L 91

Creating a state-wide enhanced 911 network.

By House Committee on Energy & Utilities (originally sponsored by Representatives Fraser, Grant, May, Winsley, Roland, Riley, Miller, Phillips, O'Brien, Rasmussen, Sheldon, Basich, Ogden, Orr, Bray, Pruitt and Sprenkle).

House Committee on Energy & Utilities
House Committee on Revenue
Senate Committee on Energy & Utilities
Senate Committee on Ways & Means

Background: Enhanced 911 (E911) is an emergency communications system whereby the caller can readily access law enforcement, fire, and medical assistance. The enhanced feature is an immediate display of the caller's location, which enables response even if the caller is not able to utter a word after dialing 911. In contrast, basic 911 requires the caller to describe his or her location to the 911 operator.

The system is in place in populous areas and not in many rural areas. Current law allows county residents to fund emergency communications systems through a voter approved tax of up to 50 cents per month which is added to each resident's phone bill. This amount adequately funds E911 systems in populous counties but not in sparsely settled counties. Adequate funding of rural E911 would require taxes that have been considered prohibitive. Some subsidy by populous counties to more rural counties may be necessary to fund a statewide E911 system.

E911 is available to 76 percent of the phone lines in the state and basic 911 to 18 percent of the lines. Six percent of the lines have no 911 coverage. The area served is quite another picture. E911 covers 18 percent of the state, 911 covers 50 percent of the state, and 32 percent have no 911 coverage. This illustrates the concentration of telephone lines, chiefly in the Puget Sound area.

The 1990 Legislature directed the Utilities and Transportation Commission to study statewide implementation of E911 and the commission found implementation feasible and achievable with a minimum of additional state bureaucracy. The commission recommended continuation of the telephone line tax as a funding source. The study estimated $16.5 million to implement and a $6 million per year subsidy to operate E911 statewide. The commission estimated a needed subsidy initially of 20 cents per telephone line per month to implement the system. A lower subsidy would maintain statewide operation after implementation.

Summary: The director of the Department of Community Development, through a State Enhanced 911 Coordinator, shall coordinate and facilitate implementation and operation of E911 statewide.

A State Enhanced 911 Coordination Office is established, headed by the Enhanced 911 Coordinator. The coordinator will coordinate and facilitate statewide implementation and operation of E911, assisted by the Enhanced 911 Advisory Committee, made up of relevant professionals. The advisory committee dissolves December 31, 2000.

Counties, singly or jointly, shall establish E911 by 1998. Counties shall provide funding up to the amount produced by a 50 cent per month telephone line tax or the amount necessary to fully fund E911 in the county, whichever is less. The county may provide its E911 funding by the excise tax on telephone lines or by other means selected by the county.

Beginning January 1, 1992, an additional excise tax is levied statewide, also on telephone lines, for statewide implementation of E911. This additional tax will fund E911 in rural areas. For the first year, the tax is set at 20 cents per month. Thereafter, the Department of Community Development will recommend the level of the tax to be set by the Utilities and Transportation Commission. The tax may not exceed 20 cents per month per line until 1998, when the tax limit is reduced to 10 cents per month. The proceeds will be deposited in an Enhanced 911 Account created in the treasury, to be administered by the Enhanced 911 Coordinator for statewide implementation of E911.

With limited exceptions, telecommunications companies and businesses with branch exchanges providing consolidated communications systems and related services are not subject to liability in conjunction with providing these services. Providing information to enable public health or public safety agencies to respond to E911 calls is not a privacy violation.

All provisions of this bill except the liability and privacy exemption provisions are referred as a referendum to the voters at the next general election in November 1991. (The provisions referred to as Referendum Bill 42 have been assigned C 54 L 91; the other provisions have been assigned C 329 L 91.)

Votes on Final Passage:

House	51	47	
Senate	44	3	(Senate amended)
House			(House refused to concur)

Conference Committee

Senate	44	4
House	64	34

Effective: July 28, 1991 (Sections 7 and 8) Other sections contained in Referendum Bill 42 are effective upon voter approval at the next general election.

HB 1946

C 78 L 91

Designating the Erwin O. Rieger Memorial Highway.

By Representatives Ogden, Cooper, H. Myers, Morris, Peery and Riley.

House Committee on Transportation
Senate Committee on Transportation

Background: Erwin O. Rieger is the former managing-editor of the Columbian and a distinguished journalist, writer, scoutmaster, mountaineer, and community leader.

Summary: The portion of State Route 501 from the northerly junction of N.W. Lower River Road to the Ridgefield city limits is designated "the Erwin O. Rieger Memorial Highway."

Votes on Final Passage:

House	69	29	
Senate	45	0	

Effective: July 28, 1991

SHB 1954

PARTIAL VETO

C 317 L 91

Changing conditions and limitations on agricultural nuisances.

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, R. Johnson, Chandler, Kremen, D. Sommers, Ballard, Roland, Bowman, Grant, Inslee, Rasmussen and Sheldon).

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture & Water Resources

Background: State law declares that an agricultural activity conducted on farmland is reasonable and does not constitute a nuisance under the following circumstances: (1) the activity does not have a substantial adverse effect on public health and safety; (2) the activity is consistent with good agricultural practices; and (3) the activity was established before surrounding nonagricultural activities. The public health and safety is not adversely affected and the agricultural activity is presumed to be a good agricultural practice if the activity is undertaken in conformity with federal, state, and local laws and rules.

Summary: The exemption granted by law to agricultural activities from regulation as nuisances is modified. The exemption applies to a condition or activity which occurs on a farm in connection with the commercial production of certain farm products. The farmland on which the activities are exempt is land or freshwater ponds devoted primarily to the commercial production of livestock, freshwater aquacultural commodities, or other agricultural commodities. The farm products, the production of which is exempt, are the plants and animals useful to humans. This exemption for agricultural activities also expressly applies to the time or times during which the activities can be conducted.

Nonexclusive lists of the associated agricultural activities and farm products which qualify for the exemption are provided. This exemption does not impair any right to sue for damages.

Votes on Final Passage:

House	97	0	
Senate	38	9	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	36	7	
House	97	0	

Effective: July 28, 1991

Partial Veto Summary: The governor vetoed Section 1 of the bill which states that the provisions of law prevent agricultural activities from being considered nuisances apply no matter when the activities are conducted. The vetoed section also declares that the agricultural nuisance law does not impair a person's right to sue for damages. (See VETO MESSAGE)

HB 1955

C 162 L 91

Changing provisions regarding misbranded or adulterated food.

By Representatives Rayburn, Nealey, Kremen, McLean, Roland, Inslee, Rasmussen, Basich and Brekke; by request of Department of Agriculture.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture & Water Resources

Background: The state's Uniform Food, Drug and Cosmetic Act permits the director of the Department of Agriculture to embargo articles of trade which are injurious or potentially injurious to the consuming or purchasing public. The director has 20 days in which to petition the Superior Court to affirm the embargo.

Rules adopted by the federal government under the Federal Food, Drug and Cosmetic Act are automatically adopted as state rules, unless the director holds a hearing of nonapplicability within 30 days of the date the federal rules are adopted and concludes that the federal rules should not be adopted as state rules.

Most violations of the act are misdemeanors.

Summary: Embargoes: The director may embargo an article under the act for being adulterated or misbranded without having also to find that the embargo is necessary to protect the public from injury or possible injury. The director now has 30 days, rather than 20 days, to petition the Superior Court for an order affirming the director's embargo of an article.

Uniformity; statements: Federal rules adopted under the Federal Food, Drug and Cosmetic Act no longer limit the director's authority to adopt rules necessary to carry out the state's act. The employees of the Department of Agriculture are authorized to take verified statements in enforcing the state's act.

Civil penalties: The director is empowered to impose civil penalties for violations of the Uniform Food, Drug and Cosmetic Act. The maximum civil penalty is $1,000 per violation per day.

Votes on Final Passage:

House 98 0
Senate 47 0

Effective: July 28, 1991

SHB 1956

C 257 L 91

Changing provisions for plant protection.

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, Kremen, Chandler, Roland and Rasmussen; by request of Department of Agriculture).

House Committee on Agriculture & Rural Development
House Committee on Revenue
Senate Committee on Agriculture & Water Resources

Background: Local plant pest & disease boards: State law permits the county commissioners of a county to create a horticultural pest and disease board. Among the authorities of such a board is the power to require the owner of land to control and prevent the spread of horticultural pests and diseases on the owner's land. If the owner fails to perform the required work, the board may perform that work or cause it to be performed. The expense of the work is charged to the landowner.

Plant and bee protection: The director of the Department of Agriculture has broad authority to impose quarantines and to take actions regarding plant pests and diseases under the state's plant pest and disease control laws. The director has similar authorities regarding bees, hives, and beekeeping articles under the state's apiary laws. A person's first violation of the plant pest and disease laws or rules is a misdemeanor; each subsequent violation is a gross misdemeanor. A violation of the apiary laws is a Class I civil infraction.

Pesticides: Amendments to the Federal Insecticide, Fungicide, and Rodenticide Act require pesticides registered with the federal government before November 1, 1984, to be re-registered under current standards.

Summary:

Local Pest and Disease Boards:

The circumstances are identified under which an action may be taken by a county horticultural pest and disease board to destroy infested plants without the consent of the owner of the land on which the plants are located.

The board may petition the superior court of the county for an order directing the landowner to show cause why the plants should not be removed at the owner's expense and for an order authorizing the removal. If the landowner fails to appear or fails to show by competent evidence that the pest or disease has been controlled, the court must authorize the board to remove the plants at the owner's expense.

If this procedure is followed, no action for damages for removal of the plants lies against the board, its officers or agents, or the county.

Plant and Bee Protection:

General: Some of the authorities of the director of the Department of Agriculture to regulate bees and pests of bees under the state's apiary laws are integrated with the director's authorities to regulate plants and pests of plants.

The authority of the director now expressly includes the power to adopt rules under which plants, plant products, bees, hives and beekeeping equipment and noxious weeds may be brought into this state and the circumstances under which these and genetically engineered organisms may be transported through this state. The purposes for which the director may establish a quarantine now expressly include the protection of environmental interests. The director may require a person with controlled articles which may carry plant or bee pests or noxious weeds to disclose the origin and source of these items.

Penalties: A person who fails to comply with these laws or rules may be subject to a civil penalty of not more than $5,000 dollars for each violation if a criminal penalty has not been imposed for the violation.

Permits: No organism that may directly or indirectly affect plant life in the state may be introduced into or released within the state without a special permit issued by the Department of Agriculture. Except for approved research projects, no permit for a biological control agent may be issued unless the department has determined that the parasite, predator, or plant pathogen is a target organism or plant specific and is not likely to become a pest of nontarget plants or other beneficial organisms. Although the department must be notified regarding the introduction or release of a genetically engineered plant or plant pest organism, a permit is not required if the introduction or release has been approved under federal law.

Actions - costs: Before taking an action to treat, return or destroy an article impounded by the department, the director must provide the owner of the article with an opportunity for a hearing on the action. The costs of impounding, treating, returning, or destroying an article must be borne by the owner of the article. A person who causes an infestation to become established through the knowing and willful violation of a quarantine may be required to pay the costs of public control or eradication measures.

Disclosure: The director shall not make information submitted by applicants or registrants under these laws available to the public if the director determines that it contains or relates to trade secrets or commercial or financial information.

Fees; dedicated account: The authority of the department to provide services on a fee-for-service basis is expanded. Fees for these services are to be deposited in a plant pest account, which is created in the agricultural local fund rather than being deposited in the general fund.

Other: The director may acquire property for establishing quarantine stations, for the propagation of biological control agents, or for the isolation of biological control agents, genetically engineered plants or plant pests, or of bee pests. The director may enter cooperative arrangements with other persons and entities for conducting enforcement activities.

Pesticide re-registration: The Tree Fruit Research Commission is expressly granted the authority to use assessments levied by the commission and approved by tree fruit growers for the re-registration of plant protection products for minor crops.

Votes on Final Passage:

House	88	7	
Senate	46	2	(Senate amended)
House	98	0	(House concurred)

Effective: May 17, 1991

SHB 1957

C 137 L 91

Requiring licensing of food processing plants.

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, Chandler, Roland, Franklin and Rasmussen; by request of Department of Agriculture).

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture & Water Resources

Background: The state's Food Processing Act requires establishments which process food for distribution or sale by others to be licensed and regulated by the Department of Agriculture. Establishments in operation prior to June 30, 1967 were "grandfathered" into the licensing program with minimum qualifications. A person's first violation of the act is a misdemeanor; each subsequent violation within a period of five years is a gross misdemeanor.

Summary: Civil penalties: The director of the Department of Agriculture is empowered to impose civil penalties for violations of the state's Food Processing Act. The maximum civil penalty is $1,000 per violation per day. A civil penalty may be imposed for a violation only if criminal penalties have not been imposed for the violation under the act.

Facilities which must be licensed: The types of facilities which must be licensed for operation under the state's Food Processing Act are broadened to include a facility which processes food for retail sale but is not regulated under a permit, license, or inspection of a local health authority. Ice is expressly added as a food the processing of which is regulated under the act.

Limitations: If a person desires to process a type of food product other than the type specified in the application supporting a person's current license, the person may have to amend the license accordingly before processing this new type of food product. The amendment is necessary if processing that type of food product would require a major addition to or modification of the licensee's facilities or would have a high potential for harm. No person may resell in intrastate commerce any food processed in an unlicensed processing plant once the person has been notified by the director that the plant is unlicensed.

Suspensions: If the director finds that an establishment is operating under conditions which constitute an immediate danger to public health, the director may summarily suspend the establishment's license and its food processing operations must immediately cease. This suspension authority also applies if the licensee or an employee of the licensee, during an on-site inspec-

tion, actively prevents the director or the director's representative from determining whether a dangerous condition exists. An opportunity for a prompt hearing must be provided to the licensee.

Other: Employees of the department are empowered to take verified statements in enforcing the act. A schedule of dates for renewing food processing licenses is to be provided by rule. Provisions of the act are repealed which "grandfathered" into the licensing program food processing plants which were in operation prior to June 30, 1967.

Votes on Final Passage:

House	96	0	
Senate	38	0	(Senate amended)
House	93	0	(House concurred)

Effective: July 28, 1991

SHB 1958

C 110 L 91

Changing requirements and penalties for livestock brands.

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, Chandler, Roland, Franklin and Rasmussen; by request of Department of Agriculture).

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture & Water Resources

Background: Most violations of the state's livestock brand laws are misdemeanors. A misdemeanor under the state's Criminal Code is punishable by imprisonment in the county jail for not more than 90 days, by a fine of not more than $1,000, or by both fine and imprisonment. A gross misdemeanor is punishable by imprisonment in the county jail for not more than one year, a fine of not more than $5,000, or both imprisonment and fine. The maximum penalty for a class I civil infraction is $250.

Some of the times at which brand inspections of cattle and horses must be conducted are specified by law. Others are specified by the director of the Department of Agriculture by rule.

Summary: The penalties for violating the state's laws regarding livestock brands which were misdemeanors are changed. Knowingly possessing livestock marked with the recorded brand or tattoo of another person is now a gross misdemeanor. All other violations which were misdemeanors are now class I civil infractions.

Required times for brand inspections of cattle and horses must be made are no longer specified by statute; they are all to be specified by rule of the director. The director may by rule require brand records to be provided to the Department of Agriculture. The renewal date for a brand registration is now set by a schedule established by rule rather than by statute.

Votes on Final Passage:

House	96	0
Senate	40	0

Effective: July 28, 1991

ESHB 1960

PARTIAL VETO

C 332 L 91

Redefining practice beyond the scope of practice for health professions.

By House Committee on Health Care (originally sponsored by Representatives Prentice, Paris, Day, Braddock, Cantwell, Edmondson, Franklin, Morris, Phillips, Pruitt, Basich, Leonard, Orr, Wood, R. Johnson, Heavey, Wineberry, May, D. Sommers, Beck and Dellwo).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: The Uniform Disciplinary Act provides standardized procedures and sanctions for specified acts of unprofessional conduct committed by regulated health practitioners. Occasionally, these procedures have resulted in the discrimination against non-traditional treatment providers.

The shortage of health care professionals is receiving increased attention among policy makers, health care providers, employers of providers and consumers. There are reports of widespread personnel vacancies at health care facilities and steady or falling enrollments at the state's health professional training programs. Many health care employers claim that health care careers have lost their appeal because of low pay, long working hours and the risk of disease.

Demographic forecasts for the next 20 years predict an increasing population of children and elderly adults. Both age groups tend to be high users of health care services, and an increase in the demand for health care is expected. At the same time, forecasters predict an overall shrinkage of the work force age population resulting in a smaller number of people available to fill health care occupations.

The current law discourages veterinary specialists from locating in the state because no mechanism for licensing the specialty exists which would then permit the specialty to be legally advertised.

Summary: The use of a nontraditional treatment by itself shall not constitute unprofessional conduct provided that such treatment does not result in injury to a patient or create an unreasonable risk that a patient may be harmed.

The licensing authorities for health professions must issue temporary practice permits allowing licensed individuals from other states to practice in Washington while their applications are being completed. Only persons whose licenses have been verified to be in good standing are eligible. The disciplining authorities for each of the regulated health care professions may participate in voluntary continued competency projects when selected by the Secretary of Health.

Community-based recruitment and retention projects are authorized. Up to three projects may be established by the Department of Health to assist local communities to recruit and retain health care professionals. A statewide health personnel recruitment and retention clearinghouse is also authorized to inventory and identify successful existing health professional recruitment and retention activities in the state, identify needed programs and provide this information to the public.

The Statewide Health Personnel Resources Plan is created. A committee comprised of representatives of various health and education related agencies is created and directed to prepare the plan, which is to be approved by the governor and submitted to the Legislature. The plan includes, but is not limited to, an assessment of future health care training needs including medical care, long-term care, mental health and other specialties; analysis of the need of multi-skilled personnel, education articulation, and the use of telecommunications and other innovative technologies to provide education to placebound students. Institutional plans are required from colleges, universities and vocational technical institutions specifying how they will implement the elements identified in the statewide plan.

New professions seeking credentialing, or existing ones upgrading the level of regulation, are required to describe the need for, location and cost of any proposed educational requirements.

The state's three current health professional loan repayment and scholarship programs are combined into one program. The program will terminate in June 1992 and will be replaced by an expanded comprehensive Health Professional Loan Repayment and Scholarship Program. Beginning in 1992, the designation of health care professions eligible for the Loan Repayment and Scholarship Program and the designation of shortage areas will be made using a data-based analysis. Scholarship and loan repayments are to be awarded in three ways. One portion is to be made available for use by participants of the community-based health professional recruitment and retention projects. A second portion is to be made available for use by state-operated institutions, county public health and human service agencies, community health clinics and other health care settings providing services to charity and subsidized patients. The third portion is to be made available for general use for eligible providers serving in any shortage area. A trust fund is created to hold funds appropriated to the program.

Credentialing by endorsement is authorized for optometry, hearing aid fitters, midwives and dispensing opticians.

The Department of Health may issue a license to practice specialized veterinary medicine in a specialty area recognized by the Veterinary Board of Governors by rule. The license may be issued to a national veterinarian who: is currently certified by a national specialty board or college recognized by the board by rule in the specialty area; is not subject to disciplinary action regarding a license in the United States, its territories, or Canada; has successfully completed a state exam on this state's laws and rules regulating the practice of veterinary medicine; and provides supporting information. The Secretary of Health must establish a fee for such a license.

The bill contains a null and void clause for the health professional shortage parts of the bill.

Votes on Final Passage:

House	98	0	
Senate	42	3	(Senate amended)
House	83	0	(House concurred)

Effective: July 28, 1991

Partial Veto Summary: The governor vetoed section 35, a repealer section which would have eliminated three programs. His reason for the veto is that the Legislature mistakenly repealed Chapter 28B.102 RCW, the Future Teachers Conditional Scholarship Program. The Legislature meant to repeal Chapter 28B.104 RCW, the Nurses Conditional Scholarship Program. (See VETO MESSAGE)

SHB 1971

C 268 L 91

Regulating alien insurers.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Dellwo, Paris, Zellinsky, Mielke, Inslee, Day, Schmidt, Prince and Scott).

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: Insurance companies formed under the laws of another country are defined as alien insurers under the insurance code. An alien insurer wishing to do business in the United States must use one of the 50 states as a state of entry and maintain a trust account for the benefit of United States policyholders. Washington State has no law establishing procedures for the use of this state as a state of entry.

Summary: Alien insurers may use the state of Washington as a state of entry for purposes of doing business in the United States by making and maintaining a deposit of assets in a trust account within Washington, in accordance with established procedures and standards.

Votes on Final Passage:
House 98 0
Senate 37 0

Effective: May 17, 1991

HB 1986
C 333 L 91

Providing for the protection and advocacy of the rights of developmentally disabled persons.

By Representatives Leonard, Cooper, Prentice, Ferguson, Sprenkle, Winsley, Appelwick, Braddock, Moyer, Locke, Paris, R. King, Wang, Valle, Ludwig, Kremen, Jacobsen, Dellwo, Holland, Inslee, H. Myers, Van Luven, O'Brien, Spanel, Mitchell, Brekke and Rasmussen.

House Committee on Human Services
Senate Committee on Health & Long-Term Care

Background: Federal statute requires states to provide protection and advocacy for developmentally disabled and mentally ill persons. Historically, the Washington Protection and Advocacy System (WPAS) has provided independent protection and advocacy services to developmentally disabled persons and mentally ill persons in the state of Washington.

In addition to receiving federal monies, WPAS also received state funds through contracts from the Division of the Developmental Disabilities, Department of Social and Health Services (DDD). These contracts however, did not ensure the independence of WPAS in providing protection and advocacy for these population groups. Consequently, WPAS canceled the contracts effective September 30, 1990.

Summary: The governor will designate an agency for the protection and advocacy of the rights of persons with developmental disabilities and mental illnesses. The designated agency shall be independent of any state agency that provides treatment or services other than advocacy services to persons with developmental disabilities.

An appropriate state official will serve as liaison between the agency designated to implement the protection and advocacy programs, and the state departments and agencies that provide services to the population.

Votes on Final Passage:
House 98 0
Senate 39 0

Effective: July 28, 1991

HB 1991
C 143 L 91

Adjusting certain vehicle size and weight restrictions.

By Representatives R. Fisher, Betrozoff, R. Meyers and McLean; by request of Department of Transportation.

House Committee on Transportation
Senate Committee on Transportation

Background: In 1982, Congress created a "specialized equipment" category to accommodate the movement of auto and boat transporters. By Federal Highway Administration (FHWA) rule, these vehicles may have a three-foot front and four-foot rear overhang beyond the otherwise maximum length of 75 feet; this extends the overall length of the vehicle to 82 feet. State law restricts the length of the overhang on any vehicle to 15 feet beyond the center of the last axle. For certain auto transporters, this 15-foot restriction imposed by the state does not allow the vehicle to reach its maximum legal length under federal law of 82 feet.

In 1990, FHWA added to the specialized equipment category a combination consisting of four trucks and/or tractors with one truck or tractor towing the other three in a "triple saddlemount" position. The movement of a triple saddlemount combination currently requires a permit from the Department of Transportation (DOT).

FHWA has informed the DOT that the state must comply with federal regulations by: (1) exempting specialized equipment from the 15-foot overhang restriction; and (2) allowing the movement of a triple saddlemount combination without a permit.

Summary: State law is brought into compliance with federal regulations governing specialized equipment by: (1) exempting auto and boat transporters from the state's 15-foot vehicle overhang restriction; and (2) authorizing a combination with an overall length of 75 feet that consists of a truck or tractor towing three trucks or tractors in a triple saddlemount position.

Votes on Final Passage:
House 97 0
Senate 45 0
Effective: July 28, 1991

HB 1992
C 291 L 91

Implementing advance right of way acquisitions.

By Representatives R. Fisher, Betrozoff, R. Meyers, Forner and Cantwell; by request of Department of Transportation.

House Committee on Transportation
Senate Committee on Transportation

Background: The Department of Transportation (DOT) is authorized to acquire rights of way between two and seven years in advance of programmed construction projects. If federal money is available under Section 108, Title 23, United States Code, it is deposited into the Advance Right of Way Revolving Fund which can be spent by the department to acquire future rights of way. When the DOT uses the rights of way, it is required to reimburse the fund. The DOT is authorized to expend monies in the fund without appropriation.

The cost of acquiring rights of way is rising, and the DOT would be able to reduce these acquisition costs if it had a reliable source of funds with which to acquire rights of way in advance of construction.

Summary: The Department of Transportation (DOT) is authorized to acquire highway rights of way not more than 10 years in advance of programed acquisition projects. Property or property rights purchased must be in designated highway transportation corridors and be approved by the Transportation Commission as part of the state's six-year plan or included in the state's route development planning effort.

Initially, a deposit of $10 million from the Motor Vehicle Fund is made into the Advance Right of Way Revolving Fund. In addition, all monies received by the DOT as rental income from real properties that are not subject to federal aid reimbursement, excluding moneys received from rental of capital facilities, are also deposited into the Advance Right of Way Revolving Fund.

The DOT is required to manage the properties acquired on rights of way in accordance with sound business practices. When the property is used for a highway project, the DOT shall reimburse the Advance Right of Way Revolving Fund at the current appraised value of the property. If the DOT determines that a piece of property is not required for right of way, it may sell the property at fair market value. Any monies acquired from such a sale shall be deposited into the Revolving Fund.

The DOT is required to report to the Legislature and the Office of Financial Management biennially regarding which properties were purchased as rights of way and why, expenditures from the Advance Right of Way Revolving Fund, and estimated savings to the state by virtue of the advance acquisition of rights of way.

Votes on Final Passage:
House 97 1
Senate 44 2 (Senate amended)
House 93 0 (House concurred)
Effective: July 28, 1991

SHB 1993
C 357 L 91

Concerning stadiums, and convention and performing arts centers.

By House Committee on Revenue (originally sponsored by Representative Peery).

House Committee on Revenue
Senate Committee on Governmental Operations

Background: The standard 2 percent local option hotel/motel tax may be used by municipalities to finance the acquisition, construction, and maintenance of public stadiums, convention centers, and performing and visual arts facilities. A municipality is defined as any county, city, or town. The definition of facility is not limited to the actual building, but includes such items as access to the building and concession stands.

Any municipality, taxing district, or municipal corporation may lease land or other properties to another municipality for the development of public stadiums, convention centers, performing and visual arts facilities by the other municipality.

Summary: A convention center facility in a county located in whole or in part in a national scenic area with a county population of 20,000, may include a hotel, destination resort, conference center, or similar facility. Land on which the facility is located and land necessary for the operation of the facility are included in the definition of a convention center facility. Such facilities are exempt from competitive bidding requirements until July 1, 1996.

Municipalities in any county located in whole or in part in a national scenic area when the county population is less than 20,000 and counties with population of less than 20,000 containing in whole or in part a national scenic area are authorized to sell convention center facilities.

Any city with a population greater than 1,000 located on one of the San Juan islands or the county within which such a city is located may use hotel/motel tax proceeds for publicly owned facilities: (a) used for county fairs occurring no more than once a year and not extending over a period of more than seven days, or (b) to mitigate the impacts of tourism.

Votes on Final Passage:

House	98	0	
Senate	46	1	(Senate amended)
House	94	0	(House concurred)

Effective: May 21, 1991

HB 1995

C 163 L 91

Exempting converter gear and tow dollies from licensing.

By Representatives R. Fisher, Jones, Wood, R. Meyers, Horn, Wilson, Mielke and Miller.

House Committee on Transportation
Senate Committee on Transportation

Background: Converter gear is used to (1) convert a semitrailer to a full trailer, (2) convert a two-axle truck to a three or more axle truck, or (3) increase the number of axles on a vehicle. A tow dolly is used to tow a motor vehicle behind another motor vehicle, i.e., a motor home towing a passenger car.

Most states do not require converter gear and tow dollies to be licensed as the structure being converted (a truck, tractor or trailer) bears a vehicle license. Annual licensing is optional in Washington state. If the equipment is being used to convert a unit, a license is not required. However, if the equipment is being pulled "empty" behind a vehicle, it is considered to be a "trailer" and annual registration, $36 plus motor vehicle excise tax (MVET), or a trip permit, $10 for three days, is required. If the converter gear is frequently pulled as a trailer, the carrier usually opts for annual registration.

The state of California is the only state under the International Registration Plan (IRP) that requires annual licensing of converter gear. Under the IRP, the license fee for converter gear is prorated for Washington-based carriers operating in California. Other IRP-member states do not collect California's converter gear license fees on behalf of their base-state carriers. The carriers are directly responsible for licensing their converter gear in California.

Summary: Converter gear and tow bars are exempt from Washington's vehicle registration and licensing requirements. Converter gears are no longer considered apportioned vehicles for the purposes of prorate.

Votes on Final Passage:

House	97	0
Senate	46	0

Effective: July 28, 1991

SHB 1997

C 274 L 91

Clarifying provisions relating to registration of sex offenders.

By House Committee on Judiciary (originally sponsored by Representatives Tate, Riley, Padden, Hargrove, Mielke, Ludwig, Bowman, Dorn, Ferguson, Paris, D. Sommers, Vance, Forner, Scott, Winsley, Kremen, Broback, Brough, Roland, Jacobsen, Holland, Horn, Wynne, Morton, R. Johnson, Van Luven, Chandler, P. Johnson, Brumsickle, Silver and Rasmussen).

House Committee on Judiciary
Senate Committee on Law & Justice
Senate Committee on Ways & Means

Background: In 1990, the Legislature passed sex offender registration provisions as part of the community protection act. Any adult or juvenile sex offender must register with the county sheriff for the county of the offender's residence and provide the sheriff with certain information. The sheriff forwards the registration to the State Patrol.

The person must register within 45 days of establishing residence in Washington. If a current resident, the offender must register within 30 days of release from confinement, if any.

The duty to register applies to sex offenders who commit sex offenses on or after February 28, 1990. The duty to register also applies to a sex offender who committed a sex offense prior to February 28, 1990, if on or after that date the offender was under the custody or active supervision of the Department of Corrections or the Department of Social and Health Services as a result of the sex offense.

Failure to register is a class C felony for sex offenders convicted of class A sex offenses or a gross misdemeanor for sex offenders convicted of other sex offenses.

The sex offender registration provisions took effect February 28, 1990.

Sex offenders required to register may petition the court for relief from the duty to register. The court may relieve the petitioner of the duty to register only if the petitioner proves, by clear, cogent, and convincing evi-

dence, that future registration of the petitioner will not serve the purposes of the registration statute. The petition requirement applies to both adults and juveniles regardless of the offender's age when the offender committed the sex offense.

Summary: Various rules and new deadlines for registration of sex offenders are established depending on the custodial status of the sex offender and when the offender committed or was convicted of the sex offense.

Sex offenders in custody: Sex offenders who are in custody on the effective date of this act must register within 24 hours of their release from custody. In addition to providing the sheriff with information required to be provided under current law, offenders must provide their date and place of birth.

The duty to register applies to all sex offenders who committed sex offenses on, before, or after February 28, 1990, and who are in custody on the effective date of this act as a result of the sex offense.

The duty applies to sex offenders released from the custody of the Department of Corrections, the Department of Social and Health Services, a local division of youth services, or a local jail or juvenile detention facility.

Sex offenders not in custody but under state or local jurisdiction: Sex offenders who are not in custody on the effective date of the act but who are under jurisdiction of the Indeterminate Sentence Review Board, or are under active supervision of the Department of Corrections, the Department of Social and Health Services, or a local division of youth services must register within 10 days of the effective date of this act.

The duty applies to sex offenders who on the effective date of the act are under the Indeterminate Sentence Review Board's jurisdiction or the active supervision of the Department of Corrections, Department of Social and Health Services, or a local division of youth services for sex offenses committed before, on, or after February 28, 1990.

Sex offenders who are convicted but not confined: Sex offenders who are convicted of a sex offense on or after the effective date of the act for offenses committed on or after February 28, 1990, but who are not sentenced to a term of confinement, must register with the county sheriff immediately upon sentencing.

Sex offenders who are new residents or returning Washington residents: sex offenders who are from out of state and move to Washington State but are not under the jurisdiction of the state must register within 30 days of moving to Washington.

The duty to register applies to sex offenders who commit sex offenses on or after February 28, 1990.

Sex offenders who are moving to Washington and who are under the jurisdiction of the state when they move here must register within 24 hours of the date they move to Washington. The agency that has jurisdiction over the sex offender must notify the sex offender of the duty to register prior to the sex offender's move.

Consequences of the failure to register: Failure to register within the time required constitutes a per se violation of the statute. The county sheriff does not have to determine whether the person is living in the county. If an offender charged with the failure to register asserts as a defense that he or she did not have notice of the duty to register, then arrest on charges of failure to register, or service of the information, or arraignment on charges for failure to register, constitutes actual notice and the offender must register immediately following actual notice or another charge can be filed. Registering following receipt of actual notice through service or arraignment does not relieve the offender of criminal liability on the original charge.

The new deadlines for registering under this act do not relieve any offender of the duty to register under the law as it existed prior to the effective date of this act.

An offender who commits a sex offense when under age 15, may prove by a preponderance of the evidence rather than clear, cogent, and convincing evidence, that future registration of the offender will not serve the purposes of the registration statute, if the offender has not been adjudicated of any sex offenses during the 24 months following adjudication for the sex offense that gave rise to the duty to register.

The act is null and void unless funding is provided in the budget.

Votes on Final Passage:

House	97	1	
Senate	48	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

SHB 2005
C 146 L 91

Regulating freight brokers and forwarders.

By House Committee on Transportation (originally sponsored by Representatives Jones, Wilson, R. Fisher and Schmidt).

House Committee on Transportation
Senate Committee on Transportation

Background: A broker arranges transportation in exchange for compensation, and a forwarder consolidates freight for a fee. Currently brokers and forwarders who perform intrastate services are required to obtain operating authority from the Utilities & Transportation Commission (UTC) and post a bond or other security. However, the amount of financial security required varies, with the amount being established at the time authority is granted.

In 1989, legislation was enacted which required all brokers and forwarders conducting business in this state to register with the UTC and post a bond. In 1990, implementation of the bonding and registration requirements were delayed until June 30, 1991. The delay was intended to give the brokers and trucking industry time to reach a compromise on the type of broker that would be affected by the bonding and registration requirements.

Summary: A minimum of $5,000 bond or deposit of security is established for brokers or forwarders engaged in intrastate commerce.

A broker or forwarder who conducts business in this state is required to register, pay a one-time $25 fee, and provide satisfactory proof of financial responsibility with the UTC. Brokers and forwarders registered with the Interstate Commerce Commission (ICC) may file a copy of their ICC-approved surety bond or trust fund as proof of financial responsibility. "Conducting business in this state" means a broker or forwarder who is physically present in the state when acting as a broker or forwarder.

Votes on Final Passage:
House 98 0
Senate 39 0

Effective: July 28, 1991

HB 2021
C 273 L 91

Extending the joint select committee on water resource policy.

By Representatives Fraser, Miller, Valle, McLean, Edmondson, Jacobsen, Nealey, Paris, Chandler and Wynne; by request of Joint Select Committee on Water Resource Policy.

House Committee on Natural Resources & Parks
Senate Committee on Agriculture & Water Resources

Background: The Joint Select Committee on Water Resource Policy was created in 1988. The committee was created to study water resource policy and to make recommendations to the Legislature regarding allocations of water resources, prioritization of the use of water, and revisions to existing water law. The committee is composed of 12 voting members jointly appointed by the speaker of the House and the president of the Senate. Under current law the committee on Water Resource Policy will expire on July 1, 1991.

In 1990, the Joint Select Committee sponsored legislation which requires comprehensive water resource planning on a regional basis throughout the state. The cooperative planning process involves state, local, and tribal governments and interested parties. The committee participated in development of the comprehensive planning process and regional planning which will soon be initiated in two pilot regions in the state.

The committee sponsored legislation this session to further implement water resource policy recommendations. Continued legislative involvement is anticipated as the results of the two pilot regions are evaluated. Members of the Joint Select Committee will also continue to monitor the comprehensive planning process.

Summary: The Joint Select Committee on Water Resource Policy is extended through June 30, 1993. The committee will monitor the implementation of comprehensive water resource planning and data management. The committee will work with state, tribal, and local governments and interested parties to identify issues and to develop recommendations to the Legislature regarding water resource needs. The committee will report annually to the Legislature.

Votes on Final Passage:
House 98 0
Senate 45 0

Effective: July 28, 1991

ESHB 2026

PARTIAL VETO

C 347 L 91

Providing for comprehensive water resources management.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Fraser, Miller, Valle, Rayburn, McLean, Belcher, Jacobsen, Nealey, Paris, Winsley and Chandler; by request of Joint Select Committee on Water Resource Policy).

House Committee on Natural Resources & Parks
House Committee on Revenue
Senate Committee on Agriculture & Water Resources

Background: In 1989, the Legislature passed water use efficiency legislation which included increased efficiency standards for plumbing fixtures and a trust water rights program that applied only in the Yakima River Basin. The 1989 standards for plumbing fixtures were to be phased in effective July 1, 1990 and July 1, 1993. The standards were incorporated into the state building code, which applied to new construction and remodels, but did not apply to retail sales of replacement fixtures. The trust program for the Yakima River Basin provided that water saved through publicly funded conservation improvements would go to the state in trust for the citizens of the state.

The 1990 Legislature required development of a comprehensive water resource planning process that involved participation of state, local and tribal governments, and interested parties. Two regions of the state were to be designated by January 1, 1991 where the planning process would be initiated on a pilot basis. During 1990, the governments and interest groups worked together to develop the planning process to be tested in the two pilot regions. The governments and interest groups also formed a conservation task force to develop recommendations for legislation containing water conservation and efficiency programs to help meet current and future water supply needs. The task force recommendations were incorporated into House Bill 2026.

Summary: Conservation and water efficiency efforts, including storage, are identified as the preferred means to meet current and future water supply needs. Priority is to be given to state funded water conservation projects that achieve the greatest net water savings.

The deadline for designating the two pilot regions in which comprehensive water resource planning efforts will be initiated on a trial basis is extended to July 1, 1991.

An additional trust water rights program is established in the two pilot planning areas and in up to eight water resource inventory areas designated by the Department of Ecology. Through this program, the state may acquire water rights by gift, purchases, or through dedication of public funds for water conservation projects, in exchange for rights to the net water savings achieved by the project. Acquisitions of trust rights must be voluntary and agreed to by all parties to the transaction and must not adversely affect or impair existing water rights, including rights to return flows. Trust water rights acquired by the state under both the Yakima Basin Program and this legislation are exempt from relinquishment.

Public funds cannot be used to purchase water rights unless specifically appropriated for that purpose by the Legislature.

The Department of Ecology must establish guidelines for the administration of the trust program and must submit a report to the Legislature by December 31, 1993 evaluating the implementation of this trust program and containing recommendations for future application.

Water laws dealing with irrigation districts are amended. Current law pertaining to water transfers is changed to require concurrence by irrigation districts, prior to transfers of water rights from one irrigation district to another, that there will be no adverse effects on the financial integrity of either district or on their ability to deliver water. Changes in place of use within irrigation districts are permitted based solely on the consent of the district's board of directors. Department of Ecology approval is not required. Irrigation districts are exempted from relinquishment requirements ("use it or lose it").

All sales of plumbing fixtures, including retail sales, which do not meet efficiency standards contained in the 1989 Water Use Efficiency Act are prohibited. The Building Code Council must establish methods and procedures for testing and identifying conforming fixtures and must adopt rules for marking and labeling such fixtures.

To create an incentive for municipal reuse of water, an exemption for business and occupation taxes and from use taxes is provided for the purchase and use of processed effluent water.

To encourage conservation, cities, towns, water and sewer districts, water companies, and the Utilities and Transportation Commission are authorized to incorporate incentives to conservation within public water system rate structures.

Votes on Final Passage:

House	89	9	
Senate	34	12	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	45	0	
House	97	0	

Effective: July 28, 1991

Partial Veto Summary: The provision exempting irrigation districts from relinquishment requirements ("use it or lose it") was vetoed. (See VETO MESSAGE)

ESHB 2027

C 164 L 91

Providing for refund of or credit toward new enrollment for higher education costs for students deployed because of the Gulf war.

By House Committee on Higher Education (originally sponsored by Representatives Ballard, Jacobsen, Bowman, Vance, Tate, Brough, Paris, Ferguson, Casada, Chandler, Forner, Moyer, Fuhrman, Holland, Wynne, May, Mitchell, P. Johnson, Betrozoff and Miller).

House Committee on Higher Education
House Committee on Appropriations
Senate Committee on Higher Education

Background: By law, under a variety of circumstances, state colleges and universities are permitted to refund or cancel a student's tuition and fees. Students who withdraw before the sixth day of instruction may receive a full refund. Students who withdraw after that day may receive a refund of up to one-half of tuition and fees. Institutions may adopt special policies for students who withdraw for medical reasons and for students who are called into military service.

Once classes begin, students who drop out of private vocational schools are entitled to a partial refund. The percentage of the mandated refund is determined by rules adopted by the State Board for Vocational Education.

Students who drop out of private colleges registered with the Higher Education Coordinating Board are entitled to refunds based on a stratified system established by the board. No refunds are required after the 14th day of instruction.

State law does not address refunds for students attending private four-year colleges and universities that are accredited by an association recognized by the Higher Education Coordinating Board.

Students who have received various forms of state funded financial aid may be required to repay all or a part of that aid if the student withdraws from school. Students who are participating in conditional scholarship programs may have to begin repaying the conditional scholarship, plus interest, when the student withdraws from school. Deferrals are possible, at the option of the Higher Education Coordinating Board. Depending on the program, deferrals must either be consistent with the provisions of the federal guaranteed loan program, or may be granted in the event of special circumstances.

Summary: For the purposes of this legislation, the term "eligible student" is defined. An eligible student must meet three conditions. First, the student must have been enrolled in a public or private institution of post-secondary education in Washington on or after August 2, 1990. Next, the student must be unable to complete his or her academic term or period of enrollment due to deployment either in the Persian Gulf combat zone or in another location in support of the combat zone. Finally, the student must verify his or her situation through military service records, movement orders, or through a certified letter signed by the student's installation personnel officer.

Eligible students attending state colleges, universities, and vocational-technical institutes have two options. They may request and receive a full refund of tuition and fees, or they may re-enroll when they return. Students choosing to re-enroll will be exempt from the payment of additional tuition and fees for one academic term. They will not be counted in official enrollment statistics, and the institutions will not be reimbursed for their attendance. Institutions may apply for a supplemental appropriation to serve students exercising a re-enrollment option.

Private institutions of higher education and vocational schools are encouraged to provide students who were deployed either in the Persian Gulf combat zone or in another location in support of the combat zone with the choice of either tuition refunds or one free term of enrollment.

Eligible students who have received a grant under the State Need Grant Program will not be required to repay the unused portion of any grant they have received. The repayment requirements of conditional scholarship programs will not apply to eligible students. The Higher Education Coordinating Board will temporarily or permanently defer repayments for eligible students. The deferrals will be in effect for eligible students participating in the following programs: Future Teachers Conditional Scholarship, Nurses Conditional Scholarship, Health Professional Loan Repayment, and the Rural Physician, Pharmacist, and Midwife Scholarship Program.

The refund or re-enrollment options offered to eligible students expire on June 30, 1995. An emergency clause is attached.

Votes on Final Passage:

House	98	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

Effective: May 10, 1991

HB 2037

C 222 L 91

Modifying requirements for radiologic technologists.

By Representatives Morris, Moyer and Sprenkle; by request of Department of Health.

House Committee on Health Care
House Committee on Revenue
Senate Committee on Health & Long-Term Care

Background: Persons who practice radiologic technology may choose to become certified by the state if they meet the qualifications specified by law. Radiologic technologists handle x-ray equipment to apply ionizing radiation on patients for diagnostic, therapeutic and other medical purposes.

Certification of radiologic technologists is voluntary and identifies those practitioners who have achieved a particular level of competency. Persons who are not certified may practice but are prohibited from representing themselves as a "certified radiologic technologist."

However, there is no requirement for x-ray technicians to register with the state in order to practice. Registration is the least restrictive level of professional regulation, and requires only formal notification to the state identifying the practitioner. It also includes coverage under the Uniform Disciplinary Act for unprofessional conduct.

Radiologic technologists may only practice at the direction of physicians, osteopathic physicians, podiatrists, or nurses.

There is no authority for the Department of Health to provide educational materials and training to x-ray technicians, radiologic technologists, licensed practitioners and the public.

The Radiologic Technology Practice Act is scheduled for termination and repeal under the "Sunset" law on June 30, 1990, and June 30, 1991, respectively.

Summary: After January 1, 1992, all x-ray technicians who apply ionizing radiation to a patient at the direction of specified licensed practitioners must be registered by the secretary of the Department of Health. This requirement does not apply to those persons already certified, or who apply to become certified, to practice as radiologic technologists. X-ray technicians employed by dentists or chiropractors are exempted from registering under this act.

Besides physicians, osteopathic physicians, registered nurses, and podiatric physicians, those licensed practitioners who may direct radiologic technologists include any licensing health care practitioner whose scope of practice includes the ordering of x-rays.

The secretary may register a person as a "registered x-ray technician" who submits on forms provided by the department the name, address, and business location of the practitioner, and who pays the registration fee.

The secretary may provide educational materials and training to registered technicians, certified radiologic technologists, licensed practitioners and the public concerning health risks and proper radiologic techniques.

Exemptions from registration are provided for those regulated health practitioners whose scope of practice includes the practice of radiologic technology.

The "Sunset" termination and repeal dates of June 30, 1990, and June 30, 1991, respectively, for the Radiologic Technologists Practice Act are repealed.

Votes on Final Passage:

House	98	0	
Senate	39	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

SHB 2042

C 210 L 91

Establishing conditions for the forfeiture of an earnest money deposit as an exclusive remedy.

By House Committee on Judiciary (originally sponsored by Representatives Appelwick and Padden).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Residential real estate transactions commonly provide for the forfeiture of an earnest money deposit in the event that the terms of the transaction are breached. The forfeiture of the earnest money deposit is considered payment of liquidated damages. Liquidated damages are the monies a party to a contract agrees to pay upon breach of the contract, without the other party having to prove actual damages.

The enforceability of a liquidated damages provision was recently reviewed by the Washington Court of Appeals in Lind Building v. Pacific Bellevue Developments. The court in Lind noted that "Washington courts have generally looked with favor upon liquidated dam-

ages clauses and have upheld them where the sums involved did not constitute a penalty."

However, in Lind, the court went on to find that a liquidated damages clause in a contract is unenforceable if: (1) the amount of liquidated damages is not a reasonable forecast of anticipated damages; (2) there is no actual loss or only a minimal loss, as compared to the amount of liquidated damages, arising from the breach of the contract; or (3) calculation of actual damages is not difficult to ascertain or prove.

There is some concern that the rules set out in Lind depart somewhat from prior case law, and the Lind case has created some uncertainty regarding the enforceability of liquidated damages clauses.

Summary: For the purposes of this legislation, an "earnest money deposit" is defined as a deposit or payment of a part of the purchase price for property for the purpose of binding the purchaser to the agreement. The deposit or payment may be in the form of cash, check, promissory note, or other things of value. The deposit or payment must be identified in the purchase agreement as an earnest money deposit, separate from other deposits or payments made by the purchaser.

A provision in a written agreement for the purchase of real estate which provides for the forfeiture of an earnest money deposit is valid and enforceable under certain conditions. The forfeiture of the deposit must be the seller's sole and exclusive remedy if the purchaser fails, without legal excuse, to complete the purchase. In addition, the following two conditions must be satisfied:

(1) The total earnest money deposit to be forfeited must not exceed 5 percent of the purchase price; and

(2) The agreement must include an express provision regarding the forfeiture of the earnest money deposit.

If the real estate is being purchased primarily for the purchaser's personal, family, or household purposes, the express provision regarding the earnest money deposit forfeiture must be in typeface no smaller than other text provisions of the agreement. The provision must be separately initialed or signed by both the purchaser and the seller.

If the real estate purchase agreement does not meet the above requirements, then the seller has all rights otherwise available at law or in equity as a result of the purchaser's failure to complete the purchase. This legislation does not affect the rights of any party involved in the real estate transaction with respect to any cause of action arising from a breach of the agreement or to the recovery of attorneys' fees.

These provisions apply only to written agreements entered on or after the effective date of this act.

Votes on Final Passage:

House	95	0	
Senate	45	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 28, 1991

SHB 2044

C 308 L 91

Expanding membership of the transportation improvement board.

By House Committee on Transportation (originally sponsored by Representative Cooper).

House Committee on Transportation
Senate Committee on Transportation

Background: In 1988, the Legislature created the Transportation Improvement Board. The board replaced and assumed the duties of the Urban Arterial Board. The board also manages the Transportation Improvement Account, which was also created in 1988.

The 15-member board consists of two county engineers or public works directors, the County Road Administration Engineer, three elected county officials, three chief city engineers, three elected city officials, and three Department of Transportation (DOT) assistant secretaries.

Summary: Membership of the Transportation Improvement Board is increased by two, making a total of 17. The additions are: 1) a representative of a public transit system, to be appointed by the secretary of Transportation from a list of two nominees submitted by the Washington State Transit Association; and 2) a private sector person representing a transportation organization based in the business community, also appointed by the secretary of Transportation. A technical change is made to reflect a revised position title within the Department of Transportation.

Votes on Final Passage:

House	98	0
Senate	46	0

Effective: July 1, 1991

SHB 2048

C 229 L 91

Lowering licensing fees for older physicians.

By House Committee on Health Care (originally sponsored by Representatives Moyer, Prentice, Paris, Braddock, Holland, Sprenkle, D. Sommers, Beck, Miller, Nealey, Padden, Winsley, Forner, Silver and Sheldon).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: Currently, physicians and other specified health care practitioners must hold a license issued by the secretary of the Department of Health in order to practice. The license can be renewed annually upon the payment of a renewal fee. The amount of the fee is established by the secretary by rule to cover the administrative costs of the regulatory program. However, there is no general authority for the secretary to issue a license at a reduced fee to a health practitioner who is retired and desires to practice only intermittently or on an emergency basis.

The state Board of Pharmacy regulates the practice of pharmacy. Pharmacy owners, pharmacists, drug manufacturers and owners of drug wholesale businesses must obtain a license to practice. Itinerant vendors who sell nonprescription drugs must be registered with the board, as well as manufacturers that distribute drug samples. Owners of pharmacies, pharmacists, drug manufacturers, drug wholesalers, and itinerant vendors have 60 days to pay their license renewal or registration fee to avoid payment of a penalty fee. There is no time limit specified for the payment of registration or renewal fees for manufacturers that distribute drug samples or for pharmacy assistants.

Manufacturers, distributors, and dispensers of controlled substances must pay registration fees of $10 to $50 to the board.

Summary: State professional disciplinary authorities of regulated health professions are authorized to adopt rules establishing a "retired active license status," at reduced renewal fees, for those licensed health practitioners who desire to practice only in emergent or intermittent circumstances. This license is conditioned upon meeting any continuing education requirements.

Owners of pharmacies, drug manufacturers, drug wholesalers, itinerant vendors of drugs, pharmacists, manufacturers that distribute drugs in this state, and pharmacist assistants must pay the fee license or registration renewal by the date due in order to avoid payment of a penalty fee equal to the renewal fee. The 60-day grace period for renewing lapsed licenses with the Board of Pharmacy without penalty is repealed for owners of pharmacies, drug manufacturers, drug wholesalers, itinerant vendors, and pharmacists.

Persons registering with the Board of Pharmacy as manufacturers, distributors and dispensers of controlled substances are required to pay a fee, determined by the Board of Pharmacy, not exceeding actual administrative costs.

Votes on Final Passage:

House	97	0	
Senate	44	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

SHB 2050

C 310 L 91

Revising the state subsidy of county ferries.

By House Committee on Transportation (originally sponsored by Representatives R. Meyers, Spanel and R. Johnson).

House Committee on Transportation
Senate Committee on Transportation

Background: The Washington county ferry systems are of two distinct types. The Puget Island ferry in Wahkiakum County has state significance as a connecting link between SR4 in Washington and US30 in Oregon, and as a detour route during closures of SR4. The Pierce, Skagit, and Whatcom County ferry systems serve primarily local interests.

Since 1976, the three Puget Sound county ferry systems have received pro rata shares of a $500,000 per biennium subsidy. The subsidy, intended to fund up to 50 percent of the counties' operations and maintenance deficits, is taken from the county portion of the motor fuel tax prior to its distribution to the counties and is apportioned according to the relative operations and maintenance deficits in Pierce, Skagit, and Whatcom Counties. No provision is made for capital improvements to county ferries.

The Wahkiakum County ferry receives a subsidy of 80 percent of its operating deficit from the state portion of the Motor Vehicle Fund. Further recognition of this ferry's state significance is demonstrated by the 100 percent support that the ferry receives during the periods when it is used as a state highway detour route.

Summary: The biennial subsidy for the Pierce, Skagit, and Whatcom County ferries is increased from $500,000 to $1,000,000 from the counties' share of the fuel tax.

In addition, the County Road Administration Board may recommend capital improvements to the Legisla-

ture which will be funded from the counties' share of the fuel tax.

Counties requesting funding for ferry capital improvements must first seek funding from the Public Works Trust Fund when appropriate.

County ferry fares may not be reduced because of the increased operating subsidy.

Votes on Final Passage:

House	98	0	
Senate	44	0	(Senate amended)
House	93	0	(House concurred)

Effective: July 28, 1991

SHB 2056

C 96 L 91

Making major changes to the regulation and provision of vital statistics.

By House Committee on Health Care (originally sponsored by Representative Braddock; by request of Department of Health).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: Presently, Washington state vital record laws do not conform to federal public health recommendations. Further, no statutorily established process exists whereby vital records can be transmitted from the Department of Health to local health departments.

Summary: The state Board of Health must adopt rules to include in the vital records, the items recommended by the federal agency responsible for national vital statistics. Strict confidentiality standards must be maintained. The Department of Health, in mutual agreement with local health offices, may authorize a local registrar to access the state-wide birth data base or death data base and prescribe appropriate fees.

Votes on Final Passage:

House	98	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

HB 2057

C 207 L 91

Allowing public facilities districts to impose excise tax.

By Representatives Day, H. Sommers, Dellwo, D. Sommers, Orr, Mielke, Nealey, Wang, Prince, Moyer, Scott, Hine and Wineberry.

House Committee on Trade & Economic Development
House Committee on Revenue
Senate Committee on Ways & Means

Background: Cities, counties, and transportation authorities may impose additional sales and use taxes in order to carry out essential county and municipal purposes.

A public facilities district may be created in any county with a population greater than 300,000 that is located more than 100 miles from a state owned convention center. The boundaries of a public facilities district must have the same boundaries as the county in which it is located.

A public facilities district has independent taxing authority and may acquire, construct, own, and operate sports and entertainment facilities with contiguous parking. After plans for a facility have been approved, the district may levy a hotel/motel tax, not to exceed 2 percent, to acquire, design, or construct a facility. With 60 percent voter approval, the district may levy a property tax in excess of the 1 percent limitation to be used for the capital and operating expenses of a sports and entertainment facility.

The district may also issue general obligation bonds. Bonds may be issued without voter approval up to an amount equal to three-eighths of 1 percent of the value of taxable property within the district. With voter approval, the district may issue general obligation bonds, for capital purposes only, up to an amount equal to 1 and one-fourth percent of the value of taxable property within the district. With 60 percent voter approval, the district may also levy a property tax in excess of 1 percent in order to retire voter-approved general obligation bonds.

Currently, only Spokane county has a public facilities district. The district was created in 1988. The Legislature appropriated $500,000 for a site and for engineering and design work for a facility. The district has issued bonds to finance the construction of a coliseum and is using a hotel/motel tax to cover debt service for the bonds.

Summary: The governing board of a public facilities district may submit a sales and use tax authorizing proposition to the voters for majority approval. Moneys from the tax shall be used for sports or entertainment facilities. The rate of the tax is set at one-tenth of 1

percent of the selling price in the case of a sales tax, or the value of the article used, in the case of a use tax.

Votes on Final Passage:
House 84 14
Senate 38 9

Effective: July 28, 1991

ESHB 2058

C 212 L 91

Clarifying the application of the statute of limitations to actions based on childhood sexual abuse.

By House Committee on Judiciary (originally sponsored by Representatives Scott, Riley, Paris, H. Myers, Miller, Forner, Belcher, Ludwig, Inslee, Wineberry, Locke, Appelwick, Holland, Roland, Winsley, D. Sommers, Morris, Spanel, R. Johnson and Rasmussen).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The statute of limitations for civil actions for injury suffered from childhood sexual abuse is the later of three years from the date of the sexual abuse, or three years from the time the victim discovered or reasonably should have discovered that the abuse caused injury. The three years does not begin to run until the victim turns age 18. The Legislature passed this statute of limitations following the Washington Supreme Court case in Tyson v. Tyson. That case held that the discovery rule, which tolls the statute of limitations until the plaintiff discovers or reasonably should have discovered a cause of action, did not apply in intentional torts when the victim has blocked the incident from memory during the entire time of the statute of limitations.

In addition to the cases in which a victim may suffer injuries, but does not know that the sexual abuse caused the injury due to suppressed memory of the sexual abuse, a victim may remember the sexual abuse but may have a delayed reaction to the abuse. The victim may experience significant suffering from the abuse later in life. A victim may have experienced some trauma from the abuse when the abuse occurred but the trauma may not have been severe enough to prompt the victim to sue within three years of the victim's 18th birthday. In at least one case, the court has held that because the victim remembered the sexual abuse and experienced at least some injury from that abuse (stomachaches), the statute of limitations expired and the victim was foreclosed from suing for the more severe injuries that developed later in life (suicidal tendencies, depression).

Summary: The Legislature finds that sexual abuse is a pervasive problem that affects the safety and well-being of many citizens. Childhood sexual abuse is traumatic and the damage is long-lasting. Victims may not only repress the memory of the abuse for many years, but may also be unable to connect being abused with any injury until later in life. Although the victim may be aware of the sexual abuse, more serious reactions to the abuse may develop years later.

When the Legislature extended the statute of limitations for child sexual abuse cases, the Legislature intended to reverse the court's ruling in Tyson v. Tyson. The Legislature also intends that the discovery of minor injuries from sexual abuse does not trigger the statute of limitations for injuries that were not discovered or did not manifest themselves until years later.

The statute of limitations in a childhood sexual abuse civil case is the later of a) three years from the sexual abuse, or b) three years from the time the victim discovered or reasonably should have discovered the injury was caused by the abuse or c) three years from the time the victim discovered that the abuse caused injury for which the claim is brought.

Votes on Final Passage:
House 98 0
Senate 46 0 (Senate amended)
House 95 0 (House concurred)

Effective: July 28, 1991

HB 2059

C 165 L 91

Providing low-income persons with residential weatherization and energy assistance.

By Representatives H. Myers, Grant, O'Brien, Wineberry, Orr and Anderson.

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: Winter heating expenses can overwhelm low-income persons, sometimes exceeding mortgage or rent payments. To reduce the likelihood that low-income residents will lose heat in the winter, utilities are prohibited from cutting off residential space heat utility services between November 15 and March 15 if the resident follows prescribed steps.

To be eligible for this protection, the individual must notify the utility of the inability to pay for utility services; apply for home heating assistance; and apply for weatherization assistance. The utility and the customer enter into a payment plan that allows the customer to spread the cost of winter heat bills and past due amounts over the entire year.

The program expires June 30, 1991.

Summary: The winter heat shutoff moratorium program is continued indefinitely.

Votes on Final Passage:
House 89 0
Senate 47 0

Effective: July 28, 1991

SHB 2069
C 129 L 91

Revising provisions for employer relief from unemployment insurance charges.

By House Committee on Commerce & Labor (originally sponsored by Representatives Lisk, Heavey, Ballard, Grant, D. Sommers, Kremen, Fuhrman, Prince, Rayburn, Chandler, Winsley, Mitchell, Vance, Inslee and Silver).

House Committee on Commerce & Labor
Senate Committee on Commerce & Labor

Background: An employer's tax rate under the state's unemployment insurance system is determined, in part, by the amount of benefits paid to its employees. When a claimant receives benefits, the benefits are charged to the experience rating accounts of all the employers in that claimant's base year, in proportion to the amount of wages paid by the employer to the claimant.

If a claimant works more than one job and is terminated from only one of the jobs, he or she may receive partial unemployment benefits. However, the experience rating account of the employer who employed the claimant on a part-time basis during the claimant's base year, and who continues to employ the claimant, will be charged part of the benefits paid to the employee.

Benefit charges are also made against the accounts of shared work employers. These employers operate under a shared work plan that permits the employer to reduce the hours that the employees work in lieu of layoffs. The employees are then eligible for partial unemployment benefits.

Summary: An employer's unemployment insurance experience rating account will not be charged for the benefits paid to its part-time employees who are receiving unemployment compensation. This exemption applies only during the period that the employer continues to employ the claimant. The employer must request relief from the charges by notifying the Employment Security Department in writing within 30 days of notice of the claimant's application for benefits.

These provisions do not apply to an employer operating under a shared work plan.

Votes on Final Passage:
House 98 0
Senate 34 5

Effective: July 28, 1991

ESHB 2071
C 215 L 91

Giving the governor the authority to appoint the medical disciplinary board.

By House Committee on Health Care (originally sponsored by Representatives Moyer, Prentice, Day and Braddock).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: The state Medical Disciplinary Board consists of three non-physician members appointed by the governor to represent the public and eight physician members representing each of the eight state congressional districts elected by physicians in the respective districts. The physician members from odd-numbered districts are elected in odd-numbered years and the physician members in even-numbered districts are elected in even-numbered years.

The public members of the board serve four-year terms, and the physician members serve two-year terms.

No member of the board currently represents physician assistants who are licensed and regulated by the board.

The board has authority to identify physicians and physician assistants who are impaired by alcohol or drugs. The board receives and evaluates reports of suspected impairment, intervenes in verified cases, and refers impaired physicians and physician assistants to treatment. The board cannot obtain access to the driving records of a physician or physician assistant to assist in the identification of impaired practitioners because these records are confidential.

The Uniform Disciplinary Act provides standardized procedures and sanctions for specified acts of unprofessional conduct for health practitioners regulated by the state. Current law, however, does not specify as unprofessional conduct the acceptance by health professionals of gratuities offered by representatives of manufacturers of medical products and services, such as pharmaceuticals, where a conflict of interest is presented.

Summary: The governor is directed to appoint the members of the state Medical Disciplinary Board. The physician members are appointed to represent the state congressional districts, respectively. Current terms of

the board are not affected. The governor must consider recommendations for board appointments from professional medical associations in the state and must appoint members to fill vacancies promptly.

All members serve four-year terms, although the governor may stagger the initial terms of appointment.

The membership of the board is expanded to include an additional member representing the public, and a physician assistant who may vote only on disciplinary matters relating to physician assistants.

The board is authorized to obtain a copy of a driving record of a physician or physician assistant from the state Department of Licensing for assisting in the identification of practitioners who are impaired by alcohol and drug abuse.

The acceptance of more than a nominal gratuity, hospitality or subsidy by a health practitioner offered by a representative or vendor of a manufacturer of medical products or services, that presents a conflict of interest, constitutes unprofessional conduct. The health professional disciplinary authorities, in consultation with the Department of Health, are directed to define by rule circumstances creating a conflict of interest, based on recognized professional ethical standards.

Votes on Final Passage:

House	97	0	
Senate	45	1	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	35	4	
House	98	0	

Effective: July 28, 1991

HB 2073

C 32 L 91

Increasing the penalties for selling controlled substances for profit.

By Representatives Padden, Morris, Silver, Winsley, Casada, Bowman, Vance, Broback, Fuhrman, P. Johnson, Morton, Wynne, Moyer, Edmondson, Van Luven and Mitchell.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The Uniform Controlled Substances Act classifies various drugs into five "schedules." Generally, schedule I drugs are the most dangerous and least likely to have medical uses. That act and the Sentencing Reform Act also provide varying penalties for proscribed activities involving these scheduled drugs.

Selling a schedule I drug for profit generally carries a less severe penalty than manufacturing or delivering the same drug. The only exception to this general rule is selling heroin for profit, which carries the same penalty as manufacturing or delivering heroin. This disparity in punishment manifests itself in four ways:

- Seriousness level ranking: The presumptive sentence under the Sentencing Reform Act is less for selling for profit than for manufacturing or delivering.
- First-time offender waiver: First-time offenders who are convicted of manufacturing or delivering are ineligible for more lenient sentences generally available to first-time offenders. First-time offenders convicted of selling for profit can still be eligible for the more lenient treatment.
- Correctional facility enhancement: Manufacturing or delivering drugs in prison carries an 18-month enhancement on the otherwise applicable presumptive sentence. Selling for profit in prison does not.
- Protected zones enhancement: Manufacturing or delivering drugs near schools, parks, or certain other facilities carries a potential enhanced penalty of double the otherwise applicable maximum sentence. Selling for profit in these protected zones does not.

The crime of selling heroin for profit, as noted above, is treated somewhat differently from selling other schedule I drugs for profit. Selling heroin for profit is already ranked at the same seriousness level as manufacturing or delivering. With respect to first-time offender status and the enhancements identified above, selling heroin is in the same position as selling other drugs for profit.

As a practical matter, a person who sells for profit will often also "deliver," or possess with intent to "deliver." The number of persons charged with selling for profit is very small, as most offenders apprehended for selling for profit are charged with a delivery offense. The concern has been raised that a person who actually sold drugs for profit, but has been charged with delivery, might argue that he or she must be charged with selling instead, and hence face a lesser penalty.

The Sentencing Guidelines Commission has the responsibility for suggesting improvements to the criminal sentencing laws of the state. The commission has recommended changes to provide for more consistency in the way the crime of selling a controlled substance is treated.

Summary: The crime of selling a schedule I controlled substance is given the same seriousness level ranking under the Sentencing Reform Act as the crimes of manufacturing or delivering a schedule I controlled substance.

Conviction for the crime of selling a schedule I controlled substance makes the offender ineligible for first-time offender status. Selling a schedule I controlled

substance in a correctional facility or in a protected zone such as a school or park subjects the offender to the same sentencing provisions as does manufacturing or delivering a drug in those places.

Votes on Final Passage:
House 91 0
Senate 47 0

Effective: July 28, 1991

HB 2082

PARTIAL VETO

C 361 L 91

Changing provisions relating to district court judges.

By Representative Appelwick.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Under current law, a person who is not a Washington State Bar Association member may qualify to be a candidate for district court judge by having been elected previously or, if the position is in a court district with less than 10,000 people, by passing a qualifying exam.

Under rules adopted by the state's Supreme Court, decisions by district court judges who are not members of the state bar may be ignored on appeal to superior court and the case will be retried anew.

If a person wins election to a district court position, the statute provides that he or she is granted sick leave "in the same manner as other county employees." This language has been used as the basis for claiming application of accrued sick leave toward a judge's retirement benefits.

Summary: The bill drops the population of a district court district in which a lay judge can qualify by examination from 10,000 to 5,000. Lay district court judges in office on the effective date of the act are not affected by this change.

A county must grant sick leave to a district court judge if the judge becomes ill or injured. The possible implication that a judge's sick leave may be accumulated for retirement benefit calculations is removed.

Votes on Final Passage:
House 97 0
Senate 39 0

Effective: July 28, 1991

Partial Veto Summary: The governor's partial veto removes the portion of the bill that deals with the granting of sick leave. (See VETO MESSAGE)

EHB 2093

C 336 L 91

Modifying authorized uses of the excise tax on lodgings.

By Representatives Locke, Miller, Anderson, Hine, Ferguson, Brough and Valle.

House Committee on Revenue
Senate Committee on Ways & Means

Background: The hotel/motel tax was first authorized in 1967 for King County to build the Kingdome. The rate was 2 percent, and was levied on the rental of hotel and motel rooms throughout the county. The Legislature allowed the tax to be credited against the state sales tax rate. The 1973 Legislature extended this taxing authority to all cities and counties, and expanded the uses to include convention centers as well as sports facilities. Except as noted in the next paragraph, counties must allow cities levying the tax a credit against the county tax. Thus, with two exceptions, the total tax and the credit against the state sales tax may not exceed 2 percent anywhere in the state. The two exceptions occur in the cities of Bellevue and Yakima.

The 1975 Legislature enacted a restriction precluding cities in Yakima and King counties from levying the tax until bonds issued prior to 1975 by these counties are retired. However, Bellevue and the city of Yakima were excluded from this restriction, since they had already pledged tax revenues to bond payments when the Legislature enacted the restriction. In the cities of Yakima and Bellevue, both the city and county levy the tax and the total credit against the state sales tax rate is 4 percent.

In recent years, the Legislature has authorized additional local option hotel/motel taxes that are not credited against the state sales tax rate and has significantly expanded the uses of revenues. Bellevue, Pierce County and its cities, Ocean Shores, and Yakima county and its cities have additional local option authority. The 1982 Legislature authorized a state hotel/motel tax, currently levied at 6 percent in Seattle and 2.4 percent in King County outside of Seattle, to fund construction and operation of the Washington State Convention and Trade Center. Uses of the basic 2 percent have also been expanded to include performing arts, visual arts, and tourism promotion.

There is currently some interest in revising the distribution of revenues from the basic 2 percent hotel/motel tax in King County. The 1986 Legislature capped the revenues to be used for the Kingdome at $5.3 million/year, and directed that the excess be used for arts purposes. Under a King County ordinance, money dedicated to the arts must be split among three uses: 40

percent for an Arts and Cultural Education program, 40 percent for a Cultural Tourism and Enrichment program, and 20 percent for a Cultural Challenge Grant program.

However, revenue collections in King County have exceeded the predictions made when the cap was imposed, and various interest groups are now arguing that the excess should be split among the Kingdome, sports and tourism promotion, and arts purposes instead of just the arts. King County Executive Tim Hill proposed a split of the excess such that the arts would retain 50 percent, sports and tourism promotion would receive 17 percent, and the Kingdome would receive 33 percent.

Summary: From January 1, 1992 to December 31, 2000, revenues in excess of the $5.3 million a year for Kingdome bonds are distributed as follows:

1.75 percent to art museums, cultural museums, heritage activities and projects, the arts, and the performing arts; and

2.25 percent for the following purposes in a manner reflecting the following order of priority: stadium capital improvement projects, acquisition of open space lands, youth sports activities, and tourism promotion.

From January 1, 2001 to December 31, 2012, revenues in excess of the $5.3 million are distributed as follows:

1.70 percent to art museums, cultural museums, heritage activities and projects, the arts, and the performing arts; and

2.30 percent for the following purposes in a manner reflecting the following order of priority: stadium capital improvement projects, acquisition of open space lands, youth sports activities, and tourism promotion.

At least 70 percent of the revenues distributed to arts purposes from January 1, 1992 to December 31, 2000 must be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. Qualifying organizations must be financially stable and meet certain criteria. At least 40 percent of the revenues distributed to arts purposes from January 1, 2001 through December 31, 2012 must be used to establish an endowment. Only the interest from the endowment may be used to fund arts purposes. School districts and schools may not receive revenues distributed for arts purposes.

Moneys distributed for arts purposes and tourism promotion may not be used to replace any other funding by the county legislative body. Tourism promotion is defined to include activities intended to attract visitors for overnight stays; arts, heritage, and cultural events; and recreational, professional, and amateur sports events. Money for tourism promotion is to be given only to nonprofit organizations formed for the express purpose of tourism promotion in a class AA county and is to be used in all parts of the county.

The Seattle-King County Convention and Visitor Bureau may not use funds received from the hotel/motel tax to meet the match requirement for marketing the Washington State Convention and Trade Center. The authorization for counties that have pledged revenues to bonds sold before 1975 to preclude cities within the county from levying the tax is terminated when the existing bonds mature.

Votes on Final Passage:

House	98	0	
Senate	34	14	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	40	6	
House	98	0	

Effective: July 1, 1992

ESHB 2095

C 55 L 91

Establishing a counseling network for veterans and their families.

By House Committee on State Government (originally sponsored by Representatives R. Johnson, McLean, Anderson, Jones, Kremen, Braddock, Valle, Wineberry, Franklin, Day, Pruitt, Rayburn, Roland, Spanel and Prentice; by request of Department of Veterans Affairs).

House Committee on State Government
House Committee on Appropriations
Senate Committee on Ways & Means

Background: Individuals exposed to armed conflict during the conduct of a war sometimes suffer long-term psychological and social disorders. Family members of these individuals may suffer stress and trauma as well. Members of the armed services may seek professional counseling and care through the military. Members of the military reserves and the National Guard lose access to many federal counseling programs as soon as they leave active duty.

For several years, the state Department of Veterans Affairs (VA) has been coordinating a program for treatment of Viet Nam veterans suffering from post traumatic stress disorder (PTSD). VA reports an increase in incidence of PTSD in Viet Nam veterans concurrent with the conflict in the Persian Gulf.

Summary: The Department of Veterans Affairs will contract with professional counselors to provide an op-

tion of direct mental health treatment for war-affected veterans, for soldiers returning from the Persian Gulf, and for their families. VA will expand its existing counseling program for Viet Nam veterans. VA will also work to train mental health professionals about the effects of war-related stress and trauma, and will provide other mental health support services to veterans and their families. VA will coordinate its programs with federal programs and other mental health programs to minimize duplication of services.

Votes on Final Passage:
House 98 0
Senate 43 0

Effective: May 3, 1991

ESHB 2100
C 271 L 91

Exempting nursing homes for underserved ethnic minorities from certificate of need requirements.

By House Committee on Health Care (originally sponsored by Representatives Braddock, Locke, Wineberry and Wang).

House Committee on Health Care
Senate Committee on Health & Long-Term Care
Senate Committee on Ways & Means

Background: As a result of immigration and birth rate patterns, the elderly ethnic minority population is growing more rapidly than non-ethnic minority elders. In addition, a greater number of ethnic minority persons are becoming functionally disabled and require nursing home care. Data indicate that ethnic minority elderly persons have lower incomes, a higher probability of living in sub-standard conditions, and higher rates of illness than their elderly peers in the general population. As a consequence, ethnic minority elderly and functionally disabled persons tend to have higher levels of need for services than non-ethnic minority functionally disabled and elderly persons.

Despite the growing number of ethnic minority elderly and functionally disabled persons, there are very few nursing homes in Washington State that provide culturally specific nursing home services. To further compound this condition, the state has instituted a policy to reduce the nursing home bed capacity from 53.7 to 45 beds per thousand people over 65 years of age. With the new 45-bed per thousand target, there will be no new nursing home beds approved to be constructed until the year 2000. As a result, the possibility of acquiring new or available nursing home beds to specifically serve ethnic minorities is diminished further.

Washington's Office of Certificate of Need administers the nursing home bed target set by the Department of Health. Anyone wanting to build a nursing home in the state of Washington must obtain prior approval from the Certificate of Need Office of the Department of Health. To apply, a prospective nursing home operator must submit an application as prescribed by the Certificate of Need Office. Currently the demand for constructing nursing home beds far exceeds the available approved beds.

Summary: The Department of Social and Health Services must establish a pool of 250 nursing home beds to serve the special needs of ethnic minorities. The nursing home beds in this pool will come from existing certified beds that become available when a nursing home looses its license, the number of beds that a nursing home is authorized for under its license is reduced, or a certificate of need expires and the beds that are allocated are not built or used. The department is required to make 100 beds temporarily available in advance of the beds becoming available through these methods. These beds will be part of the total 250 beds in the special pool.

The department is required to develop a procedure for awarding the beds in the pool. In making its decision about who will be awarded the special pool beds, the department must consider if the ethnic group's need is currently being met, how many low income persons will be served, the financial feasibility of the proposed nursing home, and the overall impact additional beds will have on an area.

Special needs nursing home beds will only be awarded to nonprofit corporations that have a board of directors made up of 50 percent of the ethnic minority that the nursing home is intended to serve. In addition, the nursing home must be designed, managed, and administered to serve the special cultural, language, dietary, and other needs of an ethnic minority. Persons who are not members of the ethnic group specified to be served by the nursing home cannot be denied admission to that nursing home.

If the nursing home is sold or leased the new operator will not obtain the special pool beds in the transaction. The purchaser or lessee of a nursing home with special needs pool beds, must obtain a certificate of need for new beds. The special pool beds awarded to the nursing home will be returned to the department's special pool if the home is sold or leased.

The act is null and void if funding is not provided in the omnibus appropriations act by specific reference to the bill by June 30, 1991.

Votes on Final Passage:

House	98	0	
Senate	44	0	(Senate amended)
House	93	1	(House concurred)

Effective: May 20, 1991

HB 2106

C 216 L 91

Authorizing the division of purchasing to donate state-owned surplus tangible personal property to certain shelters.

By Representatives Anderson, Moyer, O'Brien, Bowman, Pruitt, Grant, Padden, Chandler, Nelson, Prentice, Belcher, McLean, Jones, Ferguson, Sheldon, Vance, Holland, Kremen, Braddock, Wood, Zellinsky, Orr, Van Luven, Heavey, Wineberry, Beck, Winsley, Day, Ogden, Lisk, Leonard, Dellwo, Rayburn, Wang, Roland, Forner and Brekke.

House Committee on State Government
Senate Committee on Governmental Operations

Background: When state-owned personal property becomes surplus, it becomes the responsibility of the Department of General Administration (GA). GA may bring the property to a central warehouse and make it available for sale to other state agencies, to nonprofit groups, or to the public. GA may also sell the surplus goods on site, arrange for some kind of exchange of goods, or dispose of the surplus goods in some other manner.

In 1987, Congress enacted the Homeless Assistance Act. Under this act, surplus federal property may be donated to qualified shelters which are providing assistance to the homeless. Surplus items donated under this program include bedding and mattresses, clothing, kitchenware, and tools. GA administers this program in Washington for the federal government.

Summary: The Department of General Administration is authorized to donate state-owned surplus, tangible personal property to shelters providing assistance to the homeless. The shelters must be participants in the Department of Community Development's Emergency Shelter Assistance Program and must be operated by a nonprofit organization or a local government providing emergency or transitional housing for the homeless.

GA may donate the surplus property only if four conditions are met: 1) GA has made reasonable efforts to determine if any state agency has a requirement for the goods, and no agency has been identified; 2) the agency owning the property has authorized GA to donate the property; 3) the property under consideration is directly germane to the needs of homeless persons, and the shelter agrees to use the property to address these needs; and 4) the director of GA has determined that the donation of the surplus property is in the best interest of the state.

Votes on Final Passage:

House	98	0
Senate	39	0

Effective: July 28, 1991

SHB 2132

C 275 L 91

Modifying the definition of employee to include certain insurance salespersons for the purposes of the business and occupation tax exemption under RCW 82.04.360.

By House Committee on Revenue (originally sponsored by Representatives Wang, Holland, Morris, Silver, Appelwick, McLean, May, Zellinsky and Bowman).

House Committee on Revenue
Senate Committee on Financial Institutions & Insurance
Senate Committee on Ways & Means

Background: Under the business and occupation (B&O) tax, independent contractors are liable for tax while employees are not. From 1972 to 1990, the Department of Revenue (DOR) used five criteria to determine whether a life insurance agent was an independent contractor or employee. Under these criteria, an employee is:

1. One who has no direct interest in the income or profits of the business other than a wage or commission;
2. One who has no liability for the expenses of maintaining an office or place of business, for overhead, or for compensation of employees;
3. One who has no liability for losses or indebtedness incurred in conducting the business of selling life insurance;
4. One for whom the insurance company provides office space, a telephone, and office supplies; and
5. One for whom the insurance company provides training, continuing supervision, and clerical service.

There was considerable confusion in the industry regarding DOR's application of these criteria. As a result, some insurance agents were not paying B&O tax even though they were liable for tax. In 1988, DOR began negotiations with the Washington State Association of Life Underwriters (WSALU) to clarify the definitions of independent contractors and employees in the life insurance industry.

The negotiations resulted in DOR issuing a 1989 bulletin that attempted to better explain application of the tax to insurance agents. DOR also instituted a vol-

untary disclosure program to register agents who were liable for tax but had not been paying. Agents who voluntarily registered prior to June 1, 1989 were assessed back taxes plus interest for a period going back a maximum of four years. DOR's standard approach is to collect back taxes and interest from unregistered taxpayers for a period going back a maximum of seven years. DOR will also collect penalties if there is evidence of intent to evade taxes.

Since the 1989 bulletin, the WSALU has worked with DOR to further clarify the criteria for distinguishing between life insurance employees and independent contractors. DOR issued a new rule in 1990 that refined the five criteria. However, there is still a sense among life agents that it is difficult to differentiate between employees and independent contractors for tax purposes.

Summary: The definition of employee under the B&O tax is expanded to include persons defined in Section 3121(d)(3)(B) of the Internal Revenue Code of 1986, as amended through January 1, 1991. The effect of this change is to include full-time life insurance salespersons who perform services for remuneration for any person in the definition of employee for B&O tax purposes.

Votes on Final Passage:

House	97	1
Senate	45	3

Effective: July 1, 1991

ESHB 2137

C 80 L 91

Changing excise tax on carbonated beverages and syrups.

By House Committee on Revenue (originally sponsored by Representatives Wang, Holland, Ebersole, Ballard, Appelwick, Fraser, McLean, May, Winsley, Phillips, Peery, Bowman and Miller).

House Committee on Revenue
Senate Committee on Ways & Means

Background: The 1989 Legislature enacted the Omnibus Drug bill to increase penalties for drug-related offenses, to provide for greater surveillance and enforcement, and to combat drug abuse. The Legislature raised tax rates on liquor, beer, wine, and tobacco products, and imposed a new tax on carbonated beverages to fund the programs. The tax on carbonated beverages is the main revenue source, and is estimated to generate approximately $45 million for the 1991-1993 biennium.

The carbonated beverages tax applies to the first possession of a soft drink or concentrate within the state. The intent is that the tax be paid by bottlers and wholesalers. The rates are one cent per 12-ounce container, or 75 cents per gallon of concentrate used to generate soft drinks. The tax expires July 1, 1995.

Summary: The carbonated beverages tax is changed from a first possession tax to a tax on the wholesale sale of carbonated beverages or syrup in the state. A compensating tax is applied to retail sales of carbonated beverages or syrups that have not been previously taxed at the wholesale level. This compensating tax applies to beverages purchased by a retailer from out of state wholesalers.

The carbonated beverage tax does not apply to successive sales of previously taxed beverages or syrups.

The tax is to be paid by the buyer to the wholesaler, and is to be stated separately from the selling price in any invoice or other instrument of sale.

Each retailer at a retail store with more than 4,000 square feet may:

1. Include in all print advertising of carbonated beverages a notice stating: "Price includes (amount) of Washington Drug Fund Tax."

2. Post notices on shelves containing carbonated beverages that include the statement "Price includes (amount) of Washington Drug Fund Tax."

Votes on Final Passage:

House	96	0	
Senate	29	15	(Senate amended)
House	93	0	(House concurred)

Effective: June 1, 1991

SHB 2140

C 358 L 91

Assisting transportation agencies in budgeting and planning.

By House Committee on Transportation (originally sponsored by Representatives Schmidt, R. Fisher, H. Sommers, Holland, Franklin, Wilson and Betrozoff).

House Committee on Transportation
Senate Committee on Transportation

Background: The governor, through the Office of Financial Management (OFM), has responsibility for developing biennial budget recommendations for all agencies. Transportation agencies develop six-year programs and financial plans from which their two-year budgets are derived. Transportation agencies submit their biennial budget requests to OFM and follow the same biennial budget procedures as all other state agen-

cies. The governor may require submittal of a separate capital budget covering a six-year period.

The budget document contains a budget message, an outline of proposed financial policies for the ensuing biennium, a proposal for expenditures based upon estimated available revenues, and other information. The Economic and Revenue Forecast Council has responsibility for forecasting state revenues; however, if it does not prepare an official forecast for any particular fund, account, or revenue source, OFM assumes that responsibility.

If new laws affecting available estimated revenues are considered by the governor, a separate budget proposal is submitted to the Legislature. This is commonly referred to as a "new law budget."

Subsequent to passage of the budget bills, OFM directs agencies to develop a statement of proposed expenditures which conform to the terms of the appropriation. These expenditure plans are called allotments.

Summary: The Office of Financial Management (OFM) is required to develop budget instructions which include directions to transportation agencies for submittal of their six-year programs and financial plans.

In developing the budget, OFM is required to include a six-year expenditure proposal based upon six-year revenue forecasts for those agencies required to submit six-year programs and financial plans, i.e. all transportation agencies.

Revenue estimates are to be made by OFM in consultation with the Interagency Revenue Task Force (IRTF). When there are variances, OFM must explain them to the Legislative Transportation Committee (LTC).

The requirement that OFM submit a balanced biennial budget is expanded to include supplemental budgets.

The requirement that OFM develop a new law budget for the biennial budget when new revenue sources are proposed is expanded to include budget proposals for supplemental and six-year budget periods for transportation agencies.

Some provisions regarding the capital budgets are changed. Although a six-year capital program is still required, a 10-year capital plan must also be developed. OFM and the appropriate legislative committees will define what constitutes a capital project.

Certain provisions to be included in the capital budget are required, including: a statement of the reason or purpose for the project; verification that the project conforms to the provisions of the Growth Management Act; a statement about the proposed site, size, and life of the project; estimated total cost; estimated cost for each phase of the project; estimated ensuing biennium costs; estimated costs beyond the ensuing biennium; estimated construction start and completion dates; source and type of funds proposed; and other information as required by either OFM or the Legislature.

OFM is required to develop a method to monitor capital appropriations and expenditures that captures at least the following: estimates of past, current, and future costs; comparisons of actual costs to estimates; comparisons of estimated construction start and completion dates with actuals; and documentation of fund shifts between projects.

OFM is also required to report to the Legislature at least annually on the status of all appropriated capital projects, including transportation projects, showing significant cost over-runs or under-runs. For completed projects, the report shall contain a final summary showing estimated start and completion dates by phase compared to actuals; estimated costs by phase compared to actuals; and whether or not there are any outstanding liabilities at the time of completion.

The requirement that the governor eliminate estimated cash deficits by imposing across-the-board reductions is clarified to pertain only to the fund or account with the cash deficit.

Votes on Final Passage:

House	98	0	
Senate	43	0	(Senate amended)
House	94	0	(House concurred)

Effective: April 1, 1992

EHB 2141

C 237 L 91

Establishing a state oral history program.

By Representatives Prince, Jacobsen, Anderson and Winsley.

House Committee on State Government
Senate Committee on Governmental Operations

Background: The Division of Archives and Records Management of the Office of the Secretary of State is administered by the state archivist. State law directs the state archivist to conduct an oral history program. The purpose of the program is to record and document the oral history of former members and staff of the Legislature, former state governmental officials and personnel, and other citizens of interest. The records of this oral history program must be indexed, available for reference, and properly preserved.

Summary: The oral history program authorized by state law must be conducted by the Secretary of State at

the direction of an Oral History Advisory Committee. The secretary must contract with independent oral historians and through the history departments of the state universities for conducting and recording the interviews. Transcripts and photographs may be published for distribution to libraries and for sale to the public.

The advisory committee is composed of four members of the House of Representatives appointed by the speaker, four members of the Senate appointed by the president of the Senate, the chief clerk of the House, the secretary of the Senate, and the Secretary of State. It must select appropriate interview subjects, select materials for publication, and provide certain advice to the Secretary of State.

Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	43	0	
House	97	0	

Effective: July 1, 1991

HB 2142

C 282 L 91

Providing a schedule for notification to public employees of accumulated service credit.

By Representatives Spanel and Winsley; by request of Department of Retirement Systems.

House Committee on Appropriations
Senate Committee on Ways & Means

Background: The Department of Retirement Systems (DRS) administers six public retirement systems: the Public Employees' Retirement System (PERS), Teachers' Retirement System (TRS), Law Enforcement Officers' & Fire Fighters' Retirement System (LEOFF), Washington State Patrol Retirement System (WSPRS), Judicial Retirement System (JRS), and the Judges' Retirement Fund (JUDGES).

In all systems, a member's retirement benefit is based upon the number of months of service credit the member has accumulated and the final annual average salary received by the member.

Service credit: Service credit is based on the amount of compensated time employers reported for each member. Requirements for earning service credit vary between systems. For example, members of PERS, Plan 2, are credited with one month of service credit if they work 90 or more hours during a calendar month. Members of WSPRS are credited with one month of service credit if they work 70 or more hours during a calendar month.

With the exception of members of TRS, DRS does not systematically notify retirement system members of the amount of service credit they have earned. DRS calculates a member's earned service credit only upon request or when the member prepares to retire.

During the 1990 Session, a bill passed requiring DRS to annually notify each retirement system member of the amount of service credit earned within the previous year, and the total service credit accumulated by the member. The bill directed DRS to begin notifying members no later than October 1, 1993, and to concentrate on members who were within five years of being eligible to retire.

Accuracy of service credit data: Sample audits conducted by DRS indicate that approximately 50 percent of service credit data stored within current computer systems either overstates or understates members' actual service credit. To avoid sending out inaccurate data, DRS is planning to reconfigure its computer systems and conduct systematic audits of member files.

Summary: The bill establishes a new schedule for member notification of retirement service credit. Instead of annual notification of accumulated service credit and service credit earned within the preceding year for all members of all retirement systems by October 1, 1993, DRS must notify members as follows:

1) DRS must annually notify TRS members of accumulated service credit and service credit earned within the preceding calendar or school year by January 1, 1991;

2) DRS must annually notify all members of public retirement systems other than TRS of service credit earned within the preceding calendar or school year by June 30, 1992;

3) DRS must annually notify all members who are within five years of being eligible for retirement of total accumulated service credit by October 1, 1993;

4) DRS must annually notify LEOFF, WSPRS, JRS, and JUDGES members of total accumulated service credit by August 30, 1993;

5) DRS must annually notify PERS state employee members of total accumulated service credit by August 30, 1994;

6) DRS must annually notify PERS political subdivision employees of total accumulated service credit by January 31, 1995;

7) DRS must annually notify PERS higher education institution employees of total accumulated service credit by June 30, 1995; and

8) DRS must annually notify PERS school district employees of total accumulated service credit by April 30, 1996.

Votes on Final Passage:
House 98 0
Senate 44 0
Effective: July 28, 1991

HB 2147
C 359 L 91

Restricting certain lottery activities.

By Representatives Heavey and Wang.

House Committee on Commerce & Labor
Senate Committee on Ways & Means

Background: The Washington State Lottery is authorized by law to conduct lotteries using electronic or mechanical devices or video terminals that do not require the production of a printed ticket. The lottery does not and has never used that kind of machine. However, at all locations where "lotto" may be played, the lottery uses mechanical devices that print tickets and do not allow for individual play against the devices.

Summary: The lottery is prohibited from using electronic or mechanical devices or video terminals which allow for individual play against the devices.

Votes on Final Passage:
House 97 1
Senate 42 6
Effective: May 21, 1991

ESHB 2151
C 318 L 91

Revising provisions relating to high capacity transportation systems.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, G. Fisher, Forner, Mitchell, Prentice, Prince, Paris, Hine, Wood and Horn).

House Committee on Transportation
Senate Committee on Transportation

Background: State law enacted in 1990 made local jurisdictions responsible for high capacity transportation (HCT) system planning, implementation, and operation. A high capacity transportation system is defined as a "system of transportation services operating principally on exclusive rights of way, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally on general purpose roadway rights of way."

Current law prescribes processes for evaluation of HCT systems, one process for the central Puget Sound area and another for other areas of the state. The HCT planning processes include evaluation of a range of transportation options to address capacity needs.

System planning examines transportation goals and projected land use and travel patterns, but does not include selection of a specified mode to address transportation needs. Detailed planning is the examination of a range of options to meet these needs, including doing nothing, low capital and high capital. Detailed planning includes option development, cost and ridership estimates, and environmental impact statement preparation. The various planning processes are to follow the Urban Mass Transit Administration's Alternative Analysis (AA) process to qualify for federal funds.

Planning under these processes is reviewed by a 10-member expert review panel appointed jointly by the governor, the secretary of transportation, and the chair of the Legislative Transportation Committee. These experts are to review the reasonableness of cost estimates, ridership forecasts, and other planning assumptions, and then provide reports to the appointers and the transit agency conducting the planning. An expert review panel has been reviewing the central Puget Sound HCT planning effort for the past 15 months.

In King, Pierce, Snohomish, Thurston, Clark and Spokane counties, agencies participating in system development are authorized to levy and collect local option taxes to fund HCT systems. These voter-approved taxes consist of an up-to-1 percent sales tax, a 0.8 percent motor vehicle excise tax (MVET) and a $2/month employer tax. MVET rates must be uniform within all counties which are a party to an HCT agreement.

Before any agency may impose these taxes for HCT, it must comply with the prescribed planning requirements, including expert panel review.

Summary: The definition of high capacity transportation (HCT) system is expanded to include supporting services to an HCT system, including high occupancy vehicle lanes.

A regional HCT implementation program is to include a system plan, a project plan, and a financing plan. A new distinction is drawn between HCT system planning and project planning. System planning is the detailed evaluation of a range of HCT system options, including doing nothing, a low capital investment, and ranges of higher capital investments. The system planning effort is to include estimates of costs, ridership, and service levels, as well as a financing plan.

Project planning is detailed identification of alignments, station locations, equipment and systems, construction schedules, costs and environmental effects.

The expert review panel (ERP) is to oversee the system planning effort rather than the entire project.

The requirement that all planning must be completed before taxes may be imposed is removed. Referral to voters for HCT system funding may occur only after system planning is complete.

Funding from one or more of the authorized local option tax sources may be sought through a single ballot proposition. Voter information requirements, including preparation of a voters pamphlet for the ballot proposition, are set forth. The requirement that motor vehicle excise tax (MVET) rates must be uniform in all counties within a system is repealed.

Language linking land use and HCT development is strengthened, including favoring local jurisdictions with supportive land uses. Language is modified to include objectives and terminology used in the 1990 Growth Management Act.

Technical clean-up of statutes is provided. Contingency language regarding the failure of the central Puget Sound transit agencies to form a joint planning effort or the failure of a ballot proposition is repealed.

The authority for transit agencies to levy local HCT tax options is extended to Kitsap and Yakima counties.

Counties are authorized to develop a process to grant refunds on the $15 optional county vehicle license fee. These refunds may be granted to vehicle owners 61 years of age or older and whose household income is $18,000 or less or who have a physical disability.

The prohibition on more than one Public Transportation Benefit Area (PTBA) per county is modified to permit an area to annex to a PTBA in another county.

If an area within another county is to be added to a PTBA, the county legislative authority governing that area must approve; or, if the area is incorporated, approval of the city legislative authority is required. The make-up of the PTBA legislative authority must be reviewed if an area from another county is added to a PTBA.

Votes on Final Passage:

House	97	1	
Senate	44	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991

HB 2163

C 211 L 91

Revoking licenses of persons who assault wildlife agents and other law enforcement officers.

By Representatives Orr, Rasmussen, Wineberry, Bray, Dorn, R. Meyers, Dellwo, R. King, Ferguson and Anderson.

House Committee on Fisheries & Wildlife
Senate Committee on Environment & Natural Resources

Background: It is a misdemeanor to resist or obstruct wildlife agents in the discharge of their duties. It is also a crime to assault a wildlife agent or other law enforcement officer.

Hunting licenses are revoked by the director of the Department of Wildlife for big game violations and for shooting another person or livestock while hunting.

Any violation of a wildlife law may be punished by the court by a license forfeiture. Forfeiture is mandatory upon a second conviction.

Summary: New game license revocation provisions are enacted.

The director of the Department of Wildlife is to revoke for 10 years any license or privilege obtained by a person under state game or game fish laws if the person is convicted of assault on a state wildlife agent or other law enforcement officer. This revocation provision applies if the agent or officer was on duty at the time of the assault and was enforcing the provisions of Title 77 RCW.

Assault is defined as murder, manslaughter, or first, second, or third degree assault. The 10 year period of revocation is tolled during any time that the person convicted of assault is incarcerated, or in community supervision or home detention for an offense under the act. After 10 years not including the tolled period of time, a person may petition the director of the Department of Wildlife for a reinstatement of his or her license or privileges. Upon review by the director, and if all provisions of the court that imposed sentencing have been completed, the director may reinstate licenses and privileges.

Votes on Final Passage:

House	95	3	
Senate	38	8	(Senate amended)
House	91	2	(House concurred)

Effective: July 28, 1991

SHB 2187
C 51 L 91

Exempting nonprofit organization auctions from excise tax.

By House Committee on Revenue (originally sponsored by Representatives O'Brien, Dellwo, Brough, Anderson, May, Kremen, Beck, Zellinsky, Miller, Day, Basich, Riley, R. King, Rasmussen, Prentice, Ferguson, Padden, Broback, Ballard, Edmondson, Brumsickle, P. Johnson, Bowman, Wynne, Mielke, Casada, Nealey, Van Luven, Fuhrman, Holland, Wilson, Schmidt, Neher, Lisk, Rayburn, Scott, Roland, Ogden, Orr, Haugen, Jacobsen, Cole, Pruitt, McLean, Tate, Morton, Valle, Dorn, Heavey, Franklin, Cantwell and Leonard).

House Committee on Revenue

Background: Nonprofit organizations pay business and occupation (B&O) tax and collect sales taxes on their sales unless specifically exempted by statute. Exemption from federal income tax does not automatically provide exemption from state taxes. Most nonprofits pay B&O tax at the services rate of 1.5 percent.

Income from bazaars and rummage sales conducted by nonprofit organizations is exempt from B&O tax if the gross income from each sale does not exceed $1,000, the sales are conducted no more than twice a year, and each sale does not last more than two days. Sales tax does not apply to sales that are infrequent enough to be considered "casual and isolated" sales. The Department of Revenue (DOR) has interpreted sales at nonprofit bazaars and rummage sales to be exempt from sales tax as "casual and isolated" sales as long as the same criteria are met as for the B&O exemption.

Summary: Any public benefit nonprofit organization is exempt from paying B&O tax and from collecting sales taxes on amounts received from fundraising auctions if the organization does not conduct more than one auction per year and the auction does not last more than two days. A public benefit nonprofit organization is defined as an organization exempt from tax under section 501(c)(3) of the federal internal revenue code.

Votes on Final Passage:

House	89	5
Senate	45	2

Effective: April 26, 1991

HB 2198
C 205 L 91

Making changes to the joint center for higher education.

By Representatives Dellwo, H. Sommers, Locke, Silver, Jacobsen, O'Brien, Orr, Moyer, Day, Ebersole, D. Sommers, Wang, Mielke, Wood, Rust, Anderson, Dorn, Morris, Phillips, Hine, Kremen, Riley, Rasmussen, Spanel, Braddock, Sprenkle, Inslee, Winsley, Sheldon, Bray, Leonard, Ogden, Franklin, R. Johnson, R. Fisher, Fraser, Valle, H. Myers, Paris, Peery, R. Meyers, Jones, Zellinsky, Van Luven, Rayburn, Pruitt, R. King, Ferguson, G. Fisher, Padden, Basich, Ludwig, Haugen, Cole, Cantwell, Cooper, Nelson, Hochstatter, Chandler, Forner, P. Johnson, Casada, Brumsickle, Vance, McLean, Mitchell, Tate, Horn, Lisk, Wynne, Beck, Fuhrman, Ballard and Morton.

House Committee on Appropriations

Background: In 1985, the Legislature established the Joint Center for Higher Education in Spokane. The purpose of the center is to coordinate programs offered in the Spokane area by Washington State University (WSU) and Eastern Washington University (EWU). The center is jointly funded by EWU and WSU, and is administered by a board consisting of seven voting members: two representatives of EWU, two representatives of WSU, one representative of the Community Colleges of Spokane, and two citizen members from Spokane County. In addition to the seven voting members, the executive director of the Higher Education Coordinating Board serves as a non-voting member.

In 1989, the Legislature created the Spokane Intercollegiate Research and Technology Institute (SIRTI). The institute is planned to be a multi-institutional education and research center housing programs conducted in Spokane by WSU, EWU, the Community Colleges of Spokane, Gonzaga University, and Whitworth College. WSU is the administrative and fiscal agent for the institute. The coordination of programs and activities at the institute is subject to the authority of the Spokane Joint Center for Higher Education described above.

To date, 10 acres of land have been purchased at the Spokane Riverpoint site, and $693,000 has been authorized for the design of the SIRTI facility to be built at the site, and $450,000 for Riverpoint site improvements. There is a proposal before the Legislature from EWU and WSU to purchase up to an additional 35 acres at Riverpoint, which would be developed as the Spokane Higher Education Park. In addition to the SIRTI facilities, EWU and WSU would eventually

build facilities and relocate their activities, both leased and owned, that are currently located in various Spokane facilities.

Summary: The Joint Center for Higher Education is established as an independent, state-funded entity which acts as the fiscal and administrative agent for the Spokane Higher Education Park and SIRTI. The center is given oversight responsibilities for all land and facilities in the Spokane Higher Education Park and SIRTI, and continues the center's program coordination responsibilities.

The Joint Center for Higher Education is required to develop a master plan for the Spokane Higher Education Park and submit the plan to the Higher Education Coordinating Board, the Office of Financial Management, and the Legislature.

The governing board of the Joint Center for Higher Education is reconstituted to include 12 voting members. Three members are trustees or regents representing each of the public higher education institutions, and the remaining six are citizens residing in Spokane County and are appointed by the governor and approved by the Senate. The terms of appointment are described. The presidents of Eastern Washington University, Washington State University, and the Spokane Community College district are the three remaining voting members. The executive director of the Higher Education Coordinating Board, the president of Gonzaga University, and the president of Whitworth College serve as non-voting members of the board.

The joint center is authorized to receive and expend federal funds and private gifts or grants.

Votes on Final Passage:

House	90	1
Senate	39	2

Effective: July 1, 1991

HB 2214

PARTIAL VETO

C 26 L 91 E1

Defining criminal justice purposes for the municipal criminal justice assistance account.

By Representatives Haugen, Prince, Wang and Edmondson; by request of Task Force on City/County Finances.

House Committee on Local Government

Background: In June 1990, the Legislature provided state funding and increased local taxing authority to expand local government criminal justice efforts. The legislation contained language restricting the purposes for which the money could be used and required local governments to continue their current levels of criminal justice funding.

The Task Force on City and County Finances heard testimony regarding problems experienced during implementation and developed corrective legislation for the 1991 Session. This legislation provided administrative relief to local governments, particularly small counties and cities, by easing the definition of criminal justice purposes to cover certain civil activities when the civil activities were a minor part of the cost. This eliminated the requirement that in every situation criminal and civil costs had to be separated for determining eligibility for state reimbursement. Many local jurisdictions did not have accounting and reporting systems to meet this requirement. Also addressed was the problem of determining a workable benchmark for monitoring the supplanting of funds (1989 actual criminal justice operating expenditures) and the addition of guidelines for expenditures that could be excluded from the benchmark calculation.

Local taxing authority was provided for Yakima County. Also, the city of Seattle's Municipal Court Information System was to be integrated with the State Administrator for the Courts' District and Municipal Information System (DISCIS). Failure to integrate and use the state system by a certain date would result in the withholding of state allocations of criminal justice funding.

The governor vetoed language requiring the Seattle/state information system integration. The governor's veto also eliminated language pertaining to the easing of the criminal justice purposes definition and the establishment of the 1989 benchmark from the section of law dealing with allocations to high crime cities.

Summary: Current law is amended so that the definition of criminal justice purposes and the benchmark determination for high crime cities are made consistent with all the other sections of law governing state allocations of criminal justice monies to local governments.

In addition, any city with a population exceeding 400,000, currently Seattle, must have an agreement with the Office of the Administrator of the Courts to utilize the District and Municipal Court Information System (DISCUS). If no agreement exists by January 1, 1992, Seattle shall not receive any further distributions from the Municipal Criminal Justice Assistance Account until such an agreement is in place. City municipal court system integration with DISCUS must be operational and in use no later than January 1, 1994. The implementation date is contingent upon funds being made available by the Legislature.

Votes on Final Passage:

First Special Session

House	93	0	
Senate	45	1	(Senate amended)
House	94	0	(House concurred)

Effective: July 2, 1991

Partial Veto Summary: Section 2 concerning the integration of court information systems is eliminated because the governor felt it inappropriate to withhold critically needed criminal justice funds to effect an agreement between two public entities. (See VETO MESSAGE)

EHB 2231

C 6 L 91 E1

Requiring a surety bond from fire protection sprinkler system contractors.

By Representatives Zellinsky, Broback, Schmidt, Dellwo, Sheldon, R. Meyers, Scott, Paris, Winsley and Kremen.

Background: In 1990, Washington enacted a law requiring the licensure of fire protection sprinkler system contractors. Each contractor is required to file a surety bond "conditioned to compensate third-party losses caused by the acts of the principal" or principal's employee. This law took effect on May 1, 1991. However, contractors have been unable to obtain the surety bond on the market due to the broad coverage required by the law. Therefore, fire protection sprinkler system contractors are unable to obtain the necessary license unless they post cash or other security in lieu of the bond.

Summary: The surety bond requirement in the fire protection sprinkler system contractor licensing law is repealed and replaced. A contractor licensed under this chapter is required to file a surety bond of $10,000 or $6,000 depending upon the size of the buildings that the contractor services. The bond is conditioned to pay in the event of a breach of contract. In lieu of the surety bond, a contractor may post cash or other security.

A purchaser who has a claim against a licensee for breach of contract may bring suit on the bond in superior court within one year of the expiration of the license in effect at the time of the alleged breach.

The bond is to be considered one continuous obligation, regardless of the number of years the bond is in effect and regardless of the year in which any claim accrued. The surety is not liable on the bond for tortious acts.

The surety may make payment without awaiting court action against it.

A condition precedent to the surety being liable to any claimant is a final judgment against the licensee for breach of contract, unless the surety desires to make payment without awaiting court action. If there are multiple claimants, the surety may bring an action for interpleader against all claimants.

Votes on Final Passage:

First Special Session

House	94	0
Senate	40	0

Effective: June 30, 1991

EHB 2235

C 7 L 91 E1

Raising various hunting and fishing fees.

By Representatives Wang, Wilson, Prince, Belcher, Silver, R. King, Orr, Spanel and Day.

Background: Nearly half, 47.9 percent, of the Department of Wildlife's budget is funded by hunting and fishing license fees. Hunting and fishing license fees were most recently increased in 1985. Increases also occurred in 1982, 1976 and 1971.

The license sales have declined in the last 10 years. A number of factors explain this decline: increased population density, increased urbanization of the population, changing family structure and aging of the state's population.

Nonconsumptive users of the wildlife resource currently contribute to the funding of the Department of Wildlife through the purchase of migratory waterfowl artwork, the general fund, purchase of personalized license plates, and local funds. Although it is unknown how much of these funds are generated specifically from nonconsumptive users of wildlife, the percentage of the Department of Wildlife's budget from these fund sources is 27.8 percent. Revenues derived from the purchase of personalized motor vehicle license plates are placed into the wildlife fund and earmarked for nongame purposes. The license plate application fee is currently $30.00 and the renewal fee is currently $20.00.

Summary: Hunting and fishing license fees are increased by approximately 20 percent. The most popular resident hunting and fishing licenses are increased as follows: combined hunting and fishing from $24.00 to $29.00; hunting from $12.00 to $15.00; deer tag from $15.00 to $18.00; elk tag from $20.00 to $24.00; waterfowl stamp from $5.00 to $6.00; fishing from $14.00 to $17.00; and steelhead card from $15.00 to $18.00. See the bill for details on increases for nonresidents and other categories of fees.

Free fishing licenses for residents 70 years and older are eliminated and replaced with a $3 fee. New fees are established for lynx tags, $24 resident and $360 nonresident.

The application and renewal fees for personalized license plates are raised by $10.00 and the revenue from this increase will be deposited in the state wildlife fund to be used for resource management associated with the nonconsumptive use of wildlife.

Votes on Final Passage:

First Special Session			
House	56	37	
Senate	27	18	(Senate amended)
House	65	28	(House concurred)

Effective: July 1, 1991

HB 2237

C 9 L 91 E1

Improving Medicaid financing.

By Representatives Locke and Silver.

Background: Under current federal law, Medicaid provider-specific taxes may be used as source of financing for Medicaid.

The federal government does not participate in funding care for the medically indigent but does participate financially in increased Medicaid payments to hospitals that care for a disproportionate share of such persons.

Summary: A temporary tax is imposed on medical hospitals and private psychiatric hospitals equal to 20 percent of the state Medicaid receipts. The tax expires the earlier of July 1, 1993, or the date the secretary of Social and Health Services certifies that the federal government prohibits this as a financing mechanism.

More hospitals qualify for the disproportionate share program.

Hospital services are no longer covered under the medically indigent program but hospitals are held harmless by altering disproportionate share.

Votes on Final Passage:

First Special Session		
House	77	0
Senate	38	7

Effective: July 1, 1991
September 1, 1991 (Sections 1-6 and 9)

HB 2242

C 24 L 91 E1

Modifying phase-in of property taxes for homes for the aging.

By Representatives Wang, Horn, Hine, Holland, Franklin, Wineberry, Phillips, Pruitt, Cole, Zellinsky, G. Fisher, Scott, H. Sommers, Nelson, O'Brien, May, Valle, D. Sommers, Moyer, Miller, Padden, Betrozoff, Forner, Wood, Paris, Wynne, Mitchell, Bowman, Neher, Schmidt, P. Johnson, Tate, Edmondson, Vance, Ballard and Casada.

Background: In 1989, the Legislature changed the property tax exemption for nonprofit homes for the aging. Under the 1989 law, most homes for the aging remained completely exempt from property tax. Some became partially taxable. The amount of property tax exemption is determined by a formula related to the number of resident households within the income thresholds established in the senior citizen property tax exemption program.

The 1989 law provided for a gradual phase-in of tax for those that became taxable. The phase-in exempts two-thirds of the assessed value (after applying the exemption formula) for taxes collected in 1991 and exempts one-third of the assessed value for taxes to be collected in 1992. After 1992 the amount remaining, after the formula determined exemption, is fully taxable.

Summary: The phase-in of property tax on homes for the aging is extended by one year. Now the phase-in exempts two-thirds of the assessed value (after applying the exemption formula) for taxes collected in 1991 and 1992. One-third of the assessed value is exempted for taxes to be collected in 1993. After 1993 the amount remaining, after the formula determined exemption, is fully taxable.

Votes on Final Passage:

First Special Session		
House	84	6
Senate	35	12

Effective: July 2, 1991

HJM 4004

Requesting Congress to increase ethanol content in motor fuel.

By Representatives Nealey, Grant, Beck, Valle, May, Ludwig, Betrozoff, Rayburn, Chandler, Prince, McLean, Hochstatter, Rasmussen, Silver, Vance, D. Sommers, Jacobsen, R. King, Bowman, Fuhrman, Paris, Horn, Moyer and Broback.

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: Gasohol, a blend of gasoline and ethanol, reduces reliance on imported oil and increases the market for domestically grown crops used to produce ethanol.

Increased gasohol use can both improve national balance of payments and improve the nation's farm economy.

Summary: Congress is urged to enact legislation to require that the amount of ethanol in all motor vehicle fuel sold in the country by wholesale distributors be increased to 5 percent by 1993.

Votes on Final Passage:

House	91	0
Senate	39	0

EHJM 4008

Requesting Congress and the President to ban driftnets.

By Representatives R. King, Hochstatter, Cole, Orr, Haugen, Basich, Wilson, Spanel, Fuhrman, Padden, Winsley, D. Sommers, Bowman, Paris, May, Miller, Riley, Brough, Silver, Nealey, Forner, Wynne, Sheldon, Fraser, Phillips, Jones, Brumsickle, Nelson, Neher, Horn, Casada, H. Myers, Leonard, Moyer, Sprenkle, Brekke and Anderson.

House Committee on Fisheries & Wildlife
Senate Committee on Environment & Natural Resources

Background: Driftnets are gillnet fishing gear which are allowed to drift with prevailing water currents. The use of driftnets in the high seas caught public attention in the mid-1980's. Issues of concern to the public included sensitivity of marine life to plastics, and the increased interception of Alaska salmon by foreign squid driftnet fleets in the North Pacific Ocean.

Although various international agreements and resolutions have resulted in reductions in driftnet use in the South Pacific Ocean, driftnet use in the North Pacific Ocean continues despite widespread concern.

Summary: The Legislature respectfully asks the president and Congress to seek through all legal efforts in all available international forums an international ban on driftnet fishing on the high seas.

Votes on Final Passage:

House	93	0
Senate	47	0

EHJM 4011

Asking Congress for adoption of the new Federal Surface Transportation Assistance Act by October 1, 1991.

By Representatives R. Fisher, R. Meyers, Wilson, Cooper, Schmidt, R. Johnson, Prentice, Wood, Mitchell, Heavey, Chandler, Forner, P. Johnson, Brough, Haugen, Zellinsky, Jones, Kremen, Cantwell, Holland and Anderson.

House Committee on Transportation
Senate Committee on Transportation

Background: The Federal Surface Transportation Act is essentially a multi-year planning document that establishes transportation policies and program directions, and sets spending priorities and levels.

When the 1987 act expires on September 20, 1991, the transportation programs currently funded under the 1987 act will come to an end. The Highway Trust Fund will also dissolve.

Summary: This House Joint Memorial requests the President of the United States, President of the Senate, Speaker of the House of Representatives, and members of Congress to adopt a new Federal Surface Transportation Act by October 1, 1991. The memorial states that the Washington State Legislature endorses the principles developed by the Highway Users Federation and the Washington Transportation Policy Institute.

The principles include: 1) Protecting the Interstate system; 2) creating a national arterial system; 3) restoring metropolitan mobility; 4) connecting rural America; 5) keeping all bridges safe; 6) improving traffic safety; 7) focusing on research; 8) developing scenic/recreational roads; and 9) assuring better planning.

Votes on Final Passage:

House	90	0
Senate	39	0

EHJM 4012

Asking Congress to make motor fuel tax moneys available to the states for highway work.

By Representatives R. Fisher, Wilson, Schmidt, Prentice, Wood, Cooper, R. Meyers, Heavey, Chandler, R. Johnson, Forner, P. Johnson, Mitchell, Brough, Haugen, Zellinsky, Jones, Kremen, Cantwell, Holland, Rasmussen, Nealey, Paris, Horn and Ferguson.

House Committee on Transportation
Senate Committee on Transportation

Background: An additional five-cent federal gas and diesel tax went into effect in December 1990. Two and one-half cents of the tax increase is dedicated to the General Fund for deficit reduction purposes, and 2.5 cents is earmarked for the Highway Trust Fund. (0.5 of the 2.5 cents is dedicated to the Mass Transit Account.) None of the Highway Trust Fund money may be spent. The tax is scheduled to expire in 1995.

Summary: This House Joint Memorial requests the President of the United States, President of the Senate, Speaker of the House of Representatives, and members of Congress to (a) make the Highway Trust Fund portion of the gas/diesel tax available for immediate expenditure; or (b) if the federal government will not release the Highway Trust Fund portion, then provide states with the authority to spend their own resources now with the federal commitment to pay back later, through future obligation authority.

The memorial also requests that the entire five-cent gas/diesel tax be extended indefinitely with all proceeds earmarked for the Highway Trust Fund. If extended, the proceeds would be dedicated solely to highway purposes unless individual states/local governments decide to use some portion for transit purposes.

Congress is further requested to appropriate balances in the Highway and Transit Accounts to the states over the next five years.

Votes on Final Passage:

House	91	0
Senate	38	0

HJM 4015

Asking Congress for equal tax treatment of employer-provided transportation benefits.

By Representatives Nelson, Brough, R. Fisher, Betrozoff, Paris, Winsley, Heavey, Forner, Prentice, Brekke and Anderson.

House Committee on Transportation
Senate Committee on Transportation

Background: Many employers provide subsidized or free parking, or transit passes for employees. Federal income tax laws do not include the value of employer-provided parking as taxable income for employees. Tax laws do, however, provide that when the value of employer-provided transit pass benefits are greater than $15 per month, the entire value of the pass is to be treated as taxable income.

Summary: The Legislature memorializes Congress to request that federal tax laws be changed to give equal tax treatment to employer-provided benefits related to parking and transit passes. Copies of the memorial are to be transmitted to the president of the United States, the president of the Senate, the speaker of the House and to each member of the Washington congressional delegation.

Votes on Final Passage:

House	95	0
Senate	44	0

HJM 4016

Requesting that Hanford be acknowledged as a national research and development center.

By Representatives Ludwig, May, Bray, Moyer, Rayburn, Grant, Lisk, Neher, Edmondson, Orr, Jacobsen, Nealey, Paris, Chandler, Betrozoff and Miller.

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: The recently concluded 45 year defense materials production mission at Hanford created immensely valuable human scientific and technical talent.

The talent availability, the pressing national need both to restore the Hanford Reservation environmentally and to develop new hazardous and radioactive waste management technology, and the regional need for economic activity to replace that from the production mission all come together to impel new scientific and technical activity on the Hanford Reservation.

The federal government is considering sites for certain high technology projects that are ideally suited to the Hanford Reservation.

Summary: The Congress, the president, the secretary of the Department of Energy, and the director of the National Science Foundation are all asked to make Hanford the premier national scientific and technical research and development center for management of hazardous and radioactive waste, to construct the engineering test model of the Superconducting Magnetic Energy Storage System, to maintain the Fast Flux

Test Facility in operation, and to locate the Laser Interferometer Gravitational-wave Observatory, all at Hanford.

Votes on Final Passage:
House 91 0
Senate 45 0

HJM 4020

Concerning displaced timber workers.

By Representatives Jones, Bowman, Brumsickle, Basich, Hargrove, Heavey, Fuhrman, Braddock, Morton, H. Sommers, Lisk, Nealey, Schmidt, Wang, Jacobsen, Peery, Franklin, May, Ogden, Leonard, Prentice, Kremen, Anderson, Scott, Van Luven, Valle, Wineberry, D. Sommers, Haugen, Dorn, Rasmussen, R. Fisher, Cooper, Spanel, G. Fisher, Pruitt, Ferguson, R. Johnson, Brough, Phillips, Chandler, Wynne, Sheldon, P. Johnson and Tate.

Background: The timber supply in Washington has declined over recent years, partly because of changes in management plans for the national forests and federal actions taken to conserve the forest habitat for endangered species. Studies of the impact of the timber supply decline on workers and communities in timber-dependent areas conclude that approximately 20,000 jobs in the state may be lost.

In the past, Congress has enacted legislation to assist displaced workers affected by federal policy changes, including federal trade policy and the Clean Air Act.

Summary: Congress is urged to enact the Timber Workers' Fairness Act to provide adequate benefits to timber workers impacted by federal decisions. Congress should provide benefits similar to those provided to workers impacted by federal trade policies under the Trade Adjustment Act, and federal environmental policies under the Clean Air Act.

The Timber Workers' Fairness Act should include the following provisions:

A training program of adequate duration to provide a transition to family wage jobs;

Training allowances to help families survive through the retraining program. The allowances should be available to self-employed individuals and people who have not worked enough hours to be eligible for unemployment. Families eligible for unemployment insurance should be eligible for an extension of up to 52 weeks if they are participating in training; and

Support services for child care needs, transportation, and emergency medical services.

Votes on Final Passage:
House 97 0
Senate 47 0

HJR 4218

Amending the Constitution as to the allowable number of county court commissioners.

By Representative Appelwick.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The state constitution sets the maximum number of superior court commissioners in each county at three. Court commissioners are authorized to perform many of the duties of a judge, but their actions are subject to revision by a judge. Statutes have given court commissioners explicit authority to perform duties such as conducting probate proceedings, issuing temporary restraining orders, and hearing ex parte and uncontested civil matters. Court commissioners are paid out of county funds, and their salaries are set by county legislative authorities.

The limit of three court commissioners per county was set at the time the state's constitution was adopted. The population of the entire state has increased many times over since then, and the population disparity among individual counties is now very significant.

By statute, the Legislature has authorized the use of specialized commissioners. These commissioners have fairly narrowly defined authority to act in family law and mental health proceedings. The number of these commissioners in each county is set by the county legislative authority. These commissioners are not considered "court commissioners" within the meaning of the constitution, and therefore are not subject to the three-commissioner limit. Their use has been upheld by the state Supreme Court.

Summary: The constitution is amended to remove the limit on the number of court commissioners in each county. County legislative authorities are authorized to set the number of court commissioners.

Votes on Final Passage:
House 98 0
Senate 42 0

Effective: Upon approval by the voters at the next general election.

SHJR 4221

Amending the Constitution to remove cases in equity from the exclusive original jurisdiction of the superior courts.

By House Committee on Judiciary (originally sponsored by Representative Appelwick).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: A complex set of constitutional provisions and court decisions govern the question of jurisdiction in trial courts. The superior courts in this state are courts of general jurisdiction, which means that superior courts may hear any case the jurisdiction of which has not been conferred on some other court. District courts, on the other hand, are courts of limited jurisdiction, which means that as a rule they have jurisdiction only over matters specifically assigned to them by statute.

There are some matters over which the Legislature clearly may assign concurrent jurisdiction to both the superior and district courts. Based on somewhat ambiguous case law, however, it appears that other matters are in the exclusive jurisdiction of the superior courts. These matters over which the superior courts may have exclusive jurisdiction are identified in the state constitution. They include all cases involving felonies, the title or possession of real property, taxes, bankruptcy, nuisances, probate or divorce, and all cases in "equity."

Cases in equity cover a range of matters that courts of law historically could not handle. Equity cases include, among other things, actions for injunctions or restraining orders. The issuance of protective orders, such as those authorized in domestic violence and anti-harassment cases, is an exercise of equity jurisdiction. Some superior courts have been faced with increasingly large numbers of these protective order actions. Proposals have been made that would allow these cases to be heard in district court. However, because of the constitution, it is questionable whether jurisdiction over these kinds of cases may be given to district courts.

Summary: The constitution is amended to remove cases in equity from the designated original jurisdiction of the superior courts.

Votes on Final Passage:

House	96	0
Senate	41	0

Effective: Upon approval by the voters at the next general election.

HJR 4231

Authorizing six-year property tax levies.

By Representatives Hine, Ballard, Wang, Haugen, Phillips, Locke, Morris, Spanel, Rasmussen and Pruitt; by request of Governor Gardner.

Background: Taxing districts, other than school districts, may impose excess or special levies for general purposes for a one-year period if authorized by the voters of the district. School districts may impose excess or special levies for one or two years for any purpose and for up to six years for construction, modernization, or remodeling school facilities.

Districts seeking voter approval of such propositions are subject to the 60 percent/40 percent voter approval requirement - 60 percent favorable vote of at least 40 percent of those voting in the last general election.

Summary: Taxing districts, other than the state, may impose excess or special levies for periods up to six years subject to 60 percent/40 percent voter approval. The proposed constitutional amendment authorizing six year levies is to be placed before the voters for their approval or rejection at the next general election.

Votes on Final Passage:

House	80	14
Senate	35	11

Effective: Upon approval by the voters at the next general election.

HCR 4412

Making changes in Senate Select Committee on Washington 2000 A.D.

By Representatives Dellwo, Rayburn and Pruitt.

Background: In 1989, a Senate resolution created the Senate Select Committee on Washington 2000 A.D. The duties of the committee are to develop a process for the identification and refinement of goals and objectives for the state of Washington and to implement a legislative process for achieving these goals and objectives. The committee is composed of six members of the Senate, three from each caucus. Members are appointed to the committee by the lieutenant governor. The committee is to continue to exist until it has accomplished its objectives, and the committee is to solicit input from the private sector, the public sector, and academia.

Summary: The committee is changed from the Senate Select Committee on Washington 2000 A.D. to the Joint Select Committee on Washington 2000. Membership on the committee is expanded to 12 members, six

from the Senate and six from the House of Representatives. The lieutenant governor continues to appoint members from the Senate to the committee, three from each caucus. The speaker of the House is to appoint the six members of the House of Representatives, three from each caucus. Appointments will be made such that members currently serving on the Senate Select Committee continue to serve on the Joint Select Committee.

HCR 4422

Resolving that the joint committee on pension policy continue to review pension options.

By Representatives Hine, McLean, Spanel, Sheldon, H. Myers, Pruitt, Kremen, Jones, Franklin, Ludwig, Bray, Cole, Rayburn, Valle, Wynne, Neher, D. Sommers, Fraser, Leonard, Basich, Rasmussen and Anderson.

Background: The Joint Committee on Pension Policy was established in 1987 as a standing committee to provide the Legislature with in-depth analysis of such pension issues as retirement age, service credit, cost-of-living adjustments, benefits plan design, level of state funding of retirement benefits, and other issues affecting members of the state's eight retirement systems. The committee is bi-partisan, with four members each appointed from the House and the Senate.

In recent years, the committee has conducted an extensive review of cost-of-living adjustments (COLAs) for members of Plan I of the Teachers' and Public Employees' Retirement Systems. Plan I of these systems generally does not provide COLAs to supplement benefits earned at retirement. Plan I also allows members to retire at any age after 30 years of service, but does not include additional benefits for any years worked in excess of 30.

Summary: The Legislature recognizes that Plan I of the Teachers' and Public Employees' Retirement Systems (TRS and PERS) was not designed or funded to provide postretirement cost-of-living adjustments, nor were they designed to allow members who choose to continue working after 30 years' service to increase their retirement benefits. The Legislature also recognizes that many members want to plan ahead and take a personal responsibility for a financially secure retirement.

The Joint Committee on Pension Policy is requested to continue its review of options for Plan I TRS and PERS members to help provide themselves with postretirement cost of living adjustments (COLAs). Options include allowing members to: (a) credit their contributions during any years worked in excess of 30 to a "COLA" fund; (b) transfer to another Plan I retirement plan; or (c) fund a COLA by delaying receipt of their initial retirement allowance.

SSB 5003

C 40 L 91

Providing penalties and remedies for a person operating an adult family home without a license.

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators L. Smith, L. Kreidler, Conner and Snyder).

Senate Committee on Health & Long-Term Care
Senate Committee on Ways & Means
House Committee on Health Care

Background: In 1989, the Legislature enacted an Adult Family Home Licensing Act. Adult family homes provide personal care, room and board to one but not more than six adults with functional limitations. The law provides minimum standards to promote the development of adult family homes that have safe, humane and homelike living environments. It requires that all residential homes meeting the definition of an adult family home be licensed and meet the standards as defined in the act. The Department of Social and Health Services is authorized to administer the licensing program. There are currently no penalties for those adult family homes refusing to become licensed.

Summary: Anyone operating an adult family home without a license is guilty of a misdemeanor. The Department of Social and Health Services may also seek a court injunction preventing unlicensed adult family homes from operating.

DSHS may also secure an injunction to stop operation of an adult family home when conditions in the home constitute imminent danger to the residents.

Votes on Final Passage:
Senate 49 0
House 95 0

Effective: July 28, 1991

SB 5004

C 59 L 91

Permitting certified public records from other states to be admissible evidence.

By Senators L. Kreidler and Nelson.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: In the prosecution of traffic offenses, prosecutors do not have the legal ability to subpoena out-of-state witnesses. Washington law allows certified public records of the United States and of this state, but not from other states or territories of the United States. Allowing certified records from other states as evidence will assist in prosecuting certain traffic offenses.

Summary: Public records of the United States, the state of Washington, or any other state or territory of the United States, when certified, shall be admitted in evidence in Washington State courts.

Votes on Final Passage:
Senate 47 0
House 95 0

Effective: July 28, 1991

SSB 5008

C 251 L 91

Establishing the Pacific Northwest Economic Region.

By Senate Committee on Commerce & Labor (originally sponsored by Senators Bluechel, Gaspard, Hayner, Snyder, Matson, Vognild, Cantu, McMullen, von Reichbauer, Nelson, McDonald, Barr, Sellar, Bailey, Moore, Conner and Bauer).

Senate Committee on Commerce & Labor
House Committee on Trade & Economic Development
House Committee on Appropriations

Background: In the emerging global economy, countries located in specific regions of the world are forging new economic alliances as a way of increasing their overall competitiveness in the changing world economy. Such alliances allow countries to work together toward workable solutions for common social and economic problems. The northwest states of Alaska, Idaho, Montana, Oregon and Washington and the Canadian provinces of Alberta and British Columbia are in a position to act together as a region to increase the overall competitiveness of these individual states and provinces and to develop viable solutions for common public policy matters. It has been stated that such cooperation could provide substantial economic and social benefits for the citizens of the participating states and provinces.

In 1989 and 1990 the Washington State Legislature and the Northwest Policy Center at the University of Washington sponsored the first and second annual meetings of legislators from the seven northwest states and provinces. Over 60 legislative leaders from each of the seven entities attended. The initial meeting focused on the feasibility of establishing greater collaborative efforts among the seven northwest states and provinces. At the 1990 meeting legislators developed a work plan for 1991 that will seek to establish specific cooperative activities in six key policy areas including: expanding environmental enterprise; creating markets for recycled materials; expanding markets for value-added wood

products; improving telecommunications in higher education; investing in the future work force; and promoting tourism development.

Summary: The Pacific Northwest Economic Region is established. The state of Washington agrees to participate in the new regional organization.

The states of Alaska, Idaho, Montana, and Oregon and the Canadian provinces of Alberta and British Columbia are eligible to participate in the new organization.

The agreement to act as a regional entity is effective when one state, one province, and one additional state and/or province agree to participate in the new organization.

The goals of the organization are to develop and establish policies that: enhance the overall competitiveness of the region in international and domestic markets; increase the economic well-being of all citizens in the region; and improve the quality of life of the citizens of the Pacific Northwest.

The substantive actions of the Pacific Northwest Economic Region may take the form of uniform legislation, research on policy issues of interest to the region, and/or other policy initiatives endorsed by participating entities.

Policy areas that are of particular interest to the organization include: international trade; economic development; human resources; the environment and natural resources; and energy and education.

The organizational structure of the Pacific Northwest Economic Region consists of a delegate council and an executive committee. Legislators are appointed by participating states and provinces to serve on these committees.

The Pacific Northwest Economic Region is an initiative involving the legislative bodies of the participating states and provinces. However, the participating states are directed to work with the executive branch and other appropriate organizations in the advancement of proposals developed by the organization.

Appropriation: $49,900

Votes on Final Passage:

Senate	47	0	
House	98	0	

Effective: July 28, 1991

SSB 5010

C 233 L 91

Including occupational therapy coverage in the department of social and health services limited casualty program.

By Senate Committee on Ways & Means (originally sponsored by Senators Moore, West and Conner).

Senate Committee on Health & Long-Term Care
Senate Committee on Ways & Means
House Committee on Health Care
House Committee on Appropriations

Background: Occupational therapists licensed under state law provide rehabilitative services to individuals suffering physical injury or illness, psychosocial dysfunction, and developmental or learning disabilities. Currently, the state medical assistance program reimburses for occupational services provided to adults on an inpatient basis or by a home health agency. Occupational therapy services are provided to Medicaid eligible children through the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT). The medical director of the Department of Social and Health Services may also authorize reimbursement for outpatient occupational therapy services deemed medically necessary. Other outpatient occupational therapy services are not reimbursed by Medicaid.

Summary: Reimbursement for outpatient occupational therapy services to eligible categorically and medically needy adults not currently receiving such services is authorized under the medical assistance program.

The act is contingent on funding in the Omnibus Appropriations Act.

Votes on Final Passage:

Senate	46	0	
House	94	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate refused to concur)
House	98	0	(House receded)

Effective: July 28, 1991

SB 5015

C 69 L 91

Providing for landowner liability protection for volunteer projects.

By Senators Metcalf, Oke and Thorsness.

Senate Committee on Environment & Natural Resources
House Committee on Natural Resources & Parks

Background: It is the policy of the state to encourage land and water owners to make the lands or water areas available to the public for recreational purposes. In recognition of this policy, a private or public landowner or person in control of the land is not liable for unintentional injuries which may occur to a recreational user of the land.

Summary: A public or private landowner or person in control of the land is not liable for unintentional injuries to any volunteer group that is on the land for a fish or wildlife cooperative project or the cleanup of litter or solid waste.

Votes on Final Passage:

Senate	44	2
House	95	1

Effective: July 28, 1991

2SSB 5022

C 255 L 91

Changing the Washington award for excellence in education program.

By Senate Committee on Ways & Means (originally sponsored by Senators Gaspard, Bailey, Rinehart, von Reichbauer, Murray, Conner and Erwin).

Senate Committee on Education
Senate Committee on Ways & Means
House Committee on Education
House Committee on Appropriations

Background: In 1986, the Washington Award for Excellence in Education Program was created to recognize teachers, principals, superintendents and school boards for their leadership, contributions, and commitment to education. In subsequent years, administrators other than principals and classified employees have been added to the groups who are recognized under the program.

The awards for teachers, principals and administrators include waivers of tuition and fees to attend state colleges and universities. The waivers make the colleges and universities bear the financial responsibilities of the award, particularly when recipients attend fee-based nontuition classes, typically during the summer. Additionally, there is no date specified in statute for recipients to complete courses, creating administrative difficulties for the office of the Superintendent of Public Instruction.

Summary: Teachers and principals or administrators who receive a Washington Award for Excellence in Education may choose one of the following: an academic grant not to exceed the current full-time equivalent resident graduate tuition for courses taken at one of the state's public, research or regional, four-year institutions of higher education; a recognition stipend not to exceed $1,000; or an educational grant not to exceed $1,000.

Superintendents who receive a Washington Award for Excellence in Education may choose one of the following: a recognition stipend not to exceed $1,000; or an educational grant not to exceed $1,000.

The academic grants, recognition stipends, and educational grants are not considered compensation for salary compliance purposes.

Recipients of a Washington Award for Excellence in Education must notify the Superintendent of Public Instruction within one year of receiving the award whether they want to claim the academic grant, the recognition stipend, or the educational grant.

The total amount of the academic grant shall not exceed the graduate tuition rate for one academic year, and remains at that level for the life of the grant. Recipients have four years to complete courses paid for in full by the academic grant.

Recipients of the award who select the academic grant option may receive 30 clock hours of continuing education. The 30 clock hours is granted only if the academic grant is used for courses related to the recipient's responsibilities or assignments. If the courses are not so related, the recipient does not receive the 30 clock hours of continuing education.

Teachers and principals or administrators may use the academic grant to take courses at a private institution if: 1) the school is located in Washington and is accredited by the Northwest Association of Schools and Colleges; 2) the academic grant may not exceed, on an annual basis, the yearly, full-time, resident graduate tuition and services and activities fees in effect at the public research universities; 3) the grant must be matched on at least a dollar-for-dollar basis by the private institution with actual money or by waiver of fees; and 4) the academic grant may not be used toward any theological courses at any in-state or out-of-state institution.

Teachers and principals or administrators may use the academic grant to take courses at a public or private institution in another state or country if: 1) the out-of-

state institution has an exchange program with a public or private institution in Washington and the program is approved or recognized by the Higher Education Coordinating (HEC) Board; 2) the out-of-state institution meets HEC Board approval criteria; and 3) the award recipient submits in writing to the HEC Board an explanation why the preferred course(s) are not available at an institution in Washington.

The rule-making authority of the HEC Board is clarified. The HEC Board administers the academic grants awarded under the Washington Award for Excellence in Education program. The HEC Board adopts rules to allow recipients to make the transition from using a waiver of tuition and fees to using the academic grant.

The Superintendent of Public Instruction conducts a survey of classified employees to determine their interest in being provided the option of selecting an academic grant, educational grant, or recognition stipend as part of their award. The SPI reports to the Legislature, December 1, 1991, with recommendations and costs.

The bill is contingent on funding in the budget.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: May 17, 1991

SB 5023

C 70 L 91

Providing expenses for defending against frivolous court actions.

By Senators Talmadge and Nelson.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The frivolous claim statute requires the judge to consider the entire action as a whole prior to awarding attorney's fees for a frivolous action. In 1987, the Legislature amended the frivolous claim statute to allow attorney's fees to be awarded in cases which were dismissed in summary judgment proceedings. It has been suggested that the statute should be further clarified and amended to allow attorney's fees in frivolous actions which are either voluntarily or involuntarily dismissed.

Summary: The frivolous claim statute is amended to allow the award of attorney's fees for frivolous actions based upon all evidence presented to the judge at the time of the motion. The award of attorney's fees may be made regardless of whether the dismissal is voluntary or involuntary.

Votes on Final Passage:

Senate	48	0
House	96	1

Effective: July 28, 1991

E2SSB 5025

PARTIAL VETO

C 364 L 91

Providing services for at-risk youth and their families.

By Senate Committee on Ways & Means (originally sponsored by Senators Craswell, Owen, Bailey, L. Smith, Roach, Stratton and Oke).

Senate Committee on Children & Family Services
Senate Committee on Ways & Means
House Committee on Human Services
House Committee on Appropriations

Background: In 1977 the Legislature enacted the "Juvenile Justice Act" and subsequently passed the "Runaway Youth Act." The "Runaway Youth Act" was repealed in 1979 and replaced by the Procedures for Families in Conflict chapter.

Family Reconciliation Services was created under this chapter to provide services to runaways and to children in conflict with their families. These services are to be provided at the request of the family or in conjunction with an alternative residential placement (ARP) petition.

The Department of Social and Health Services, a parent or the child may file an ARP petition. If the child agrees to be placed outside of his or her home and a placement is available, the child is placed.

Crisis Residential Centers (CRCs) were also created under the Families in Conflict chapter. CRCs were intended to be short term placements for no longer than 72 hours, during which the CRC staff works with the family to avoid further out-of-home placement.

In 1990 the Families in Conflict chapter was renamed the Family Reconciliation Act and a provision was added allowing petitioning of the courts on behalf of at-risk youth.

Many persons who work with at-risk youth and their families have identified the lack of services requested by the youth or family as a roadblock to successfully reuniting the family. Others question the viability of some of the publicly funded services, feel needed service alternatives are not available, and believe an evaluation of current programs is warranted.

Summary: The Department of Social and Health Services (DSHS) is directed to evaluate and make recommendations on the Family Reconciliation Services program. The Behavioral Sciences Institute Homebuilders Intensive In-Home Counseling program is expanded.

The Office of the Administrator of the Courts is requested to develop a curriculum on at-risk youth for superior court judges and court personnel. DSHS is directed to produce a videotape on at-risk youth for a variety of public agencies and the public.

Within available funds, substance abuse evaluations shall be made available to minors upon a parent's request. The same provisions are made for evaluations for mental illness. Costs for involuntary commitment of minors for substance abuse shall be paid from existing funds.

Definitions for a "minor" and a "person" are incorporated into current law dealing with treatment for alcoholism, intoxication and drug addiction. Involuntary commitment of minors for drug addiction in addition to alcoholism is provided. The relationship of treatment needs based upon evaluation is clarified to assure minors are treated appropriately. The reference to children in CRCs being removed for seriously assaultive or seriously destructive behavior is stricken and replaced with language referring to a condition in which a child who has taken unauthorized leave and the CRC cannot assure the child will not leave again.

Involuntary commitment may not be used as a disposition for an at-risk youth.

The proposed study as well as the expansion of Family Reconciliation Services, Homebuilders, a pilot project and the continuing education seminar for court officials are contingent on funding being provided in the state budget.

Each section of the act must comply with federal requirements for federal funding. A conflicting part shall be inoperable with respect to the agency affected. Rules drawn to this act shall also comply with federal funding requirements.

Votes on Final Passage:

Senate	40	1	
House	95	0	(House amended)
Senate			(Senate refused to concur)
House	97	0	(House amended)
Senate	20	20	(Failed)
Senate			(Senate reconsidered; concurred in part)
House	90	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 28, 1991

Partial Veto Summary: The requirement to increase Family Reconciliation Services to serve an additional 1,000 families per year is removed. The requirement to increase the Behavioral Sciences Institute Homebuilders program to serve an additional 126 youth and families per year is removed. (See VETO MESSAGE)

SSB 5027

C 71 L 91

Raising the jurisdictional limit for small claims departments.

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Rasmussen and Thorsness).

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Small claims courts are a distinct department of the district court system. The primary purpose of small claims courts is to simplify the court process for civil disputes of claims that do not exceed $2,000. Small claims proceedings are generally conducted in an informal manner without formal pleadings. Parties may be represented by their attorneys with the consent of the district court judge.

Summary: The jurisdiction of small claims courts is increased to $2,500.

A corporation plaintiff may not be represented by an attorney or paralegal in small claims court.

Votes on Final Passage:

Senate	40	2
House	97	0

Effective: July 28, 1991

SSB 5030

C 38 L 91

Prohibiting the unauthorized reproduction or recording of material.

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge and Thorsness).

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Dramatic advances in sound recording technology have been followed by a corresponding increase in the activities of pirates, bootleggers, and counterfeiters. Their trade in unauthorized recordings results in a loss of income, royalties, and fees to musi-

cians, retailers, and the recording industry. In addition, consumers who purchase unauthorized recordings may receive products that are inferior or defective.

Current law prohibits the reproduction or sale of unauthorized sound recordings. Violations are punishable by a fine up to $1,000, imprisonment up to one year, and confiscation of illegal stock. The sale of a tape without the name and address of the recorder on its package is a misdemeanor punishable by a fine up to $100. There is concern that these penalties are insufficient to deter violations and that the existing scope of offenses does not fully encompass the activities of pirates and counterfeiters.

Summary: Criminal offenses and sanctions are established for certain activities involving the unauthorized reproduction of recordings. A criminal offense is committed if a person knowingly reproduces for sale or transports within this state any unauthorized recording for commercial advantage or private financial gain. Advertising, selling or renting any unauthorized recording is also prohibited.

Unauthorized recordings of live performances may not be advertised, sold or transported for commercial advantage or private financial gain. Recording a live performance without the consent of the owner with the intent to sell for commercial advantage or private financial gain is prohibited.

The crime of failure to disclose the origin of a recording is committed if, for commercial advantage or private financial gain, a person advertises, sells, or possesses a recording which does not have the true name and address of the manufacturer on the package.

The penalties for violations range from a maximum fine of $25,000 up to $250,000, and imprisonment for up to one, five or ten years depending on the number of unauthorized recordings and the defendants' prior convictions under this law. Upon conviction, the court must order the forfeiture of any items involved in the unauthorized recording.

The owner of a recording or the prosecuting attorney may institute proceedings to forfeit unauthorized recordings without regard to any lack of knowledge or intent by the possessor.

Recordings intended only for broadcast by radio or television stations and recordings defined as public record are exempt. A recording received in the ordinary course of a radio or television broadcast is exempt if no recording is made of the broadcast.

Votes on Final Passage:

Senate	44	0
House	95	0

Effective: July 28, 1991

SB 5036

C 17 L 91

Establishing a livestock market net worth requirement.

By Senators Barr, Conner, Bailey and Hansen.

Senate Committee on Agriculture & Water Resources
House Committee on Agriculture & Rural Development

Background: The Department of Agriculture is now charged with reviewing and approving or denying applications for the construction and operation of public livestock markets. The department is also responsible for overseeing the operation of livestock markets through such measures as assigning dates on which markets may conduct sales. It is unclear whether the department has the authority to deny a license application if an applicant has insufficient assets to construct or operate a market. Further, the department does not have explicit authority to revoke an allocation of sales days for nonuse.

Only licensees or applicants who have had a license revoked, suspended, or denied may appeal a decision by the department.

Public livestock market operators do not have explicit authority to refuse to accept the consignment of livestock or to announce the name of the consignor of livestock.

Summary: The Department of Agriculture is authorized to deny an application for construction or operation of public livestock markets based upon a lack of sufficient net worth. The department is also authorized to revoke an allocation of sales dates awarded to a market if the dates are not used. The rate of usage to maintain an allocation of sales days is to be established by rule.

Any licensee or applicant who feels aggrieved by the director may appeal any decision of the director.

The authority granted to operators of public livestock markets is expanded to specifically include the ability to refuse to accept the consignment of any livestock believed to have been inadequately cared for prior to delivery to the market, and the ability to announce the name of the consignor of livestock presented for sale upon request.

Votes on Final Passage:

Senate	47	0
House	94	0

Effective: July 28, 1991

SB 5041

C 95 L 91

Permitting motorcyclists to use Washington state patrol approved audio headsets and earphones.

By Senators Sellar, Owen, Patterson, West, Vognild, Bauer and Thorsness.

Senate Committee on Transportation
House Committee on Transportation

Background: In 1977 the Legislature prohibited motor vehicle operators from "wearing ... headset[s] or earphones connected to any electronic device capable of receiving a radio broadcast or playing a sound recording...." The legislation restricted motorists from using devices which would prevent them from hearing sirens, horns and other sounds crucial to the safe operation of motor vehicles. However, long-time users of these systems in other states have argued that such devices add substantially to the safe operation of motorcycles because operators can rely on voice communication rather than hand signals when communicating with members of their traveling party, and receive timely information about road conditions from their CB. Currently, many states and the Washington State Patrol permit the use of headsets.

Summary: Motorcyclists will be permitted to wear a helmet with built-in headsets or earphones as approved by the Washington State Patrol.

Votes on Final Passage:

Senate	45	0
House	95	0

Effective: July 28, 1991

SB 5042

C 53 L 91

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

By Senators Cantu, Madsen, Hayner, Sutherland, Thorsness, von Reichbauer, Rasmussen, Pelz, Craswell, Conner, Bluechel, L. Smith, Roach, Johnson, Saling, Bailey, Bauer, Snyder, Anderson and Gaspard; by request of Governor Gardner.

Senate Committee on Governmental Operations
Senate Committee on Ways & Means
House Committee on State Government

Background: The Commission for Efficiency and Accountability in Government was created in 1987. It is chaired by the Governor and includes representatives from each legislative caucus and the private sector. Staff support is provided by the Office of Financial Management (OFM), whereas financial support has come from both legislative appropriations and private sector contributions. The enabling legislation is due to expire on December 31, 1991.

Summary: The statutory expiration date for the commission is extended to December 31, 1995.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: July 28, 1991

SB 5043

C 186 L 91

Authorizing facsimile filing of election documents.

By Senators Nelson, Bailey, Vognild and Amondson; by request of Secretary of State.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The state of Washington has no procedure for filing of election documents by facsimile transmission to the Secretary of State or county auditors.

Summary: Certain election documents may be transmitted by electronic facsimile and shall be accepted and filed by the Secretary of State or a county auditor when the documents are legible, filed on time and satisfy state requirements as to form and content. The documents that may be filed include declarations and affidavits of candidacy, county canvass reports, candidates' pamphlet statements, arguments for and against ballot measures that will appear in a voter's pamphlet, requests for recounts, certification of candidates and measures by the Secretary of State, direction by the Secretary of State for the conduct of a mandatory recount, requests for absentee ballots, and any other election related document authorized by rule. If the original document must be signed, the original must be filed subsequent to receipt of the fax copy by a specified deadline. The Secretary of State shall adopt rules in accordance with the Administrative Procedure Act to implement this act.

Votes on Final Passage:

Senate	48	0	
House	96	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: July 28, 1991

SSB 5045

C 134 L 91

Providing for investigation of consumer complaints regarding drinking water quality.

By Senate Committee on Energy & Utilities (originally sponsored by Senators Madsen, Barr and Conner).

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: All water systems, both publicly and privately owned, are required to comply with drinking water standards adopted by the State Board of Health. There are different requirements as to frequency and type of testing required for each system, depending on its size and its water source. For certain types of contaminants tests may be required only once a year. A customer that believes there may be a quality problem with the water provided by his or her system may request the Department of Health (DOH) or local health department to investigate, or may complain to the Utilities and Transportation Commission (UTC) if the system is privately owned and falls within its jurisdiction. Legislation enacted in 1990 requires DOH and each county to adopt procedures for handling complaints from customers regarding water service, but the legislation does not require protection for customers while the investigation is underway. The UTC has adopted a regulation that prohibits a regulated water company from disconnecting service while a customer is pursuing any remedy permitted under the UTC's complaint procedures. The UTC regulation does not prescribe any action to be taken by the UTC if the water quality is found not to meet state standards. Some water system customers have expressed concern over the lack of specific procedures to be followed, and the lack of protection from possible retaliation.

Summary: Any customer of a system that is subject to UTC jurisdiction may file a complaint with the UTC when the customer has reason to believe that the system's water does not meet state drinking water standards. The UTC is required to investigate such complaints, and to request either DOH or the local health department to test the system's water, at the system's expense. The UTC may decide not to investigate a complaint if it determines that it has been filed in bad faith, for the purpose of harassment of a water company, or for other reasons has no substantial merit. During the pendency of the investigation, the water system is prohibited from taking any steps against the customer to terminate service or collect any money allegedly owed, and the UTC is given the authority to enforce this provision. Customers may choose to have their water tested by a licensed or qualified laboratory, at their expense, and provide the results to the UTC. If the water quality is found not to meet state drinking water standards, the UTC shall exercise its authority over the system and may order a pro rata refund to the customer of any amounts paid for the substandard water, and shall order that the water system reimburse the customer any costs of testing.

Votes on Final Passage:
Senate 45 0
House 96 1

Effective: July 28, 1991

SB 5047

C 62 L 91

Designating a state tartan.

By Senators Bauer, McCaslin, Sutherland, L. Smith, Moore, Snyder, Niemi and Wojahn.

Senate Committee on Governmental Operations
House Committee on State Government

Background: A tartan is a design for the weaving of cloth consisting of perpendicular bands of contrasting colors on a solid color background. Different tartans are associated with specific Scottish and Irish clans, military regiments or other entities. A particular tartan is identified by the background color and the color and width of the crossing bands in the pattern. While some states have adopted tartans, there is no tartan designated for the state of Washington.

Summary: A Washington State tartan is designated consisting of blue, white, yellow, red and black bands on a green background. The Secretary of State is authorized to register the tartan with the Scottish Tartan Society in Comrie, Perthshire, Scotland.

Votes on Final Passage:
Senate 42 2
House 81 14

Effective: July 28, 1991

SB 5049

C 292 L 91

Simplifying disposal of abandoned junk vehicles.

By Senator Madsen.

Senate Committee on Transportation
House Committee on Transportation

Background: Current statute defines a junk vehicle as: three years or older; extremely damaged; apparently in-

operable; not currently registered; and having a fair market value equal to the value of scrap in it.

Current statute requires that a landowner wanting to dispose of a junk vehicle found on his property must first have a law enforcement officer verify that the vehicle meets all of the above mentioned criteria. Then if information is available from the Department of Licensing on the registered and legal owners, the landowner must send the vehicle owners a notification form from the department by certified mail. If the car remains unclaimed for 15 days, the landowner may dispose of the vehicle.

If no information is found by the department on the vehicle's registered and legal owners, the landowner must place a legal notice of custody and sale into the county newspaper. If the vehicle remains unclaimed after 20 days, then the landowner may dispose of the vehicle.

The current procedure is viewed as time consuming, expensive and cumbersome for disposing of junk vehicles. Many landowners with junk vehicles sitting on their property are dumping these vehicles on others' property, usually remote areas, or alongside the highway.

Summary: The definition of a junk vehicle is changed. The fair market value of the vehicle must be the approximate value of the scrap of the vehicle.

The requirement that a landowner notify the owner of a junk vehicle through certified mail and on a form furnished by the department is repealed. The right of a district court to contest the sale of a junk vehicle is repealed. The provisions requiring publication in the county newspaper of junk vehicles with no known owners on the department records are repealed.

The landowner must provide a notice to the vehicle owner based on information given by the inspecting law enforcement officer. The vehicle owner has the right to arrange for removal of the vehicles within 15 days. A person complying in good faith is immune from liability.

Public abatement of junk vehicles on private property is allowed by correcting statute to read that a junk vehicle owned by a private property owner may be removed by public ordinance provisions.

Votes on Final Passage:

Senate	45	0	
House	93	2	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	98	0	
Senate	47	0	

Effective: July 28, 1991

SSB 5052
FULL VETO

Concerning collection of public debts.

By Senate Committee on Law & Justice (originally sponsored by Senators Moore, Nelson and Thorsness).

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The state collection agency statute provides for the licensing and regulation of persons acting as collection agents for private and public debts. The statute contains numerous provisions that prohibit the intimidation and harassment of consumers by collection agents. In addition, collection agencies are required to retain records, comply with accounting procedures, and meet bonding requirements.

It is suggested that the collection agency statute be clarified to ensure that the collection of restitution and other legal financial obligations (such as court fines and assessments) is governed by the act if the person is acting as a collection agent.

Summary: Any person who acts as a collection agency to collect restitution and other legal financial obligations, such as court fines and assessments, must comply with the requirements of the collection agency statute.

Agencies may only assign public debts collectible in this state to a licensed collection agency. Agencies can continue to use billing agents to notify debtors of their public debts.

Votes on Final Passage:

Senate	47	2
House	95	0

FULL VETO (See VETO MESSAGE)

SB 5053
C 260 L 91

Allowing local ordinance notice for revoking juvenile driving privileges.

By Senators Nelson, Rasmussen and Roach.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The Department of Licensing revokes the driving privilege of a juvenile when the superior or district court notifies the department of the juvenile's conviction for a drug or alcohol offense.

The statute authorizing the license revocation does not apply to convictions arising out of the violation of local ordinances. The City of Seattle has suggested amending the juvenile license revocation statute to al-

low the department to revoke licenses for offenders violating local ordinances.

Summary: The Department of Licensing shall revoke the driving privileges of juveniles who are convicted of violating local drug and alcohol ordinances.

Votes on Final Passage:
Senate 45 0
House 98 0

Effective: July 28, 1991

SB 5075
FULL VETO

Creating a committee to study the Washington condominium act.

By Senators Nelson, Talmadge, von Reichbauer, Erwin and Skratek.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: In 1987, the Legislature created a statutory committee, the Condominium Task Force, to update the former statute governing the creation of condominiums (the Horizontal Property Regimes Act) in accordance with the Uniform Condominium Act. The task force was comprised of representatives of condominium associations, developers, mortgage bankers, title companies, realtors, consumers, attorneys, and county assessors. In 1989, the Washington Condominium Act, drafted by the Condominium Task Force, was enacted by the Legislature and went into effect on July 1, 1990.

It is suggested that the Condominium Task Force be reconstituted for the purpose of reviewing the Washington Condominium Act and drafting appropriate revisions.

Summary: A statutory committee is created to review the Washington Condominium Act, draft recommended revisions to the act, and prepare appropriate revisions to the Official Comments to the act.

The committee is required to report to the Legislature by March 1, 1992.

Votes on Final Passage:
Senate 45 0
House 96 0 (House amended)
Senate 46 0 (Senate concurred)

FULL VETO (See VETO MESSAGE)

SB 5077
C 188 L 91

Perfecting certain security interests upon recording.

By Senators Nelson and Rasmussen.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: In 1988, the Bankruptcy Court for the Western District of Washington held that an assignment of rents taken as security for a loan is an unperfected lien until the lender takes possession of the rents or has a receiver appointed. In 1989, the Legislature passed an act providing that the assignment of rents and loans for security are perfected as of the time of recording and no further action is required by the holder to perfect the security interest.

The 1989 legislation does not have a retroactive effect on assignment of rents.

Summary: Assignment of rents and loans for security are perfected as of the time of recording and no further action is required by the holder to perfect the security interest even if recorded before July 23, 1989, the effective date of the 1989 legislation.

Votes on Final Passage:
Senate 33 13
House 94 1

Effective: July 28, 1991

SSB 5082
PARTIAL VETO
C 362 L 91

Requiring licenses for professional salmon fishing guides.

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Bauer, L. Smith and Oke).

Senate Committee on Environment & Natural Resources
House Committee on Fisheries & Wildlife

Background: Persons who operate as salmon fishing guides in freshwater rivers and streams are not required to be licensed as guides.

Some people would like to license salmon fishing guides.

Summary: A professional salmon guide license is created. Guiding for salmon in freshwater streams or rivers requires the guide license at a cost of $50 for residents and $500 for nonresidents.

A surcharge of $20 is levied on resident guides and $100 on nonresident guides for the purposes of funding regional fisheries enhancement groups. Surcharges are in addition to the proposed guide license fees.

Legislative committees are required to evaluate the guide fees enacted in this 1991 legislation and report to the Legislature by December 31, 1991. A wildlife code reference that recognizes the validity of Idaho or Oregon wildlife licenses in Snake River boundary waters is repealed.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 28, 1991

Partial Veto Summary: The section repealing reciprocity of Idaho and Oregon wildlife licenses on the Snake River is vetoed. (See VETO MESSAGE)

2SSB 5083

FULL VETO

Reconstructing salmon hatcheries.

By Senate Committee on Ways & Means (originally sponsored by Senators L. Smith, Snyder, Oke and Rasmussen).

Senate Committee on Environment & Natural Resources
Senate Committee on Ways & Means
House Committee on Fisheries & Wildlife

Background: The 1980 eruption of Mount St. Helens destroyed the salmon hatcheries on the Toutle River. Recent tests have shown that Toutle River conditions are suitable for salmon production; however, salmon rearing facilities on the Toutle River are in disrepair.

Summary: The Department of Fisheries shall reconstruct and operate the state funded salmon hatcheries on the Toutle River to the extent that state funds are appropriated for this purpose. The department shall request federal funding to reconstruct and operate the Green River salmon hatchery which is located on a tributary of the Toutle River. In the event that federal funding is not available to construct and operate the Green River hatchery, then the department shall report to the Legislature by December 1, 1991 on the efforts made to secure funding and the department's allocation of salmon hatchery funding.

Passage of adult salmon above the hatchery is assured in order to facilitate natural spawning.

Votes on Final Passage:

Senate	41	2	
House	94	0	(House amended)
Senate	46	0	(Senate concurred)

FULL VETO (See VETO MESSAGE)

SSB 5090

C 14 L 91

Concerning foster family home licenses.

By Senate Committee on Children & Family Services (originally sponsored by Senators Roach and Stratton; by request of Dept. of Social & Health Services).

Senate Committee on Children & Family Services
House Committee on Human Services

Background: Current law requires that requests for renewal of child care agency and foster family home licenses be filed with the Department of Social and Health Services no later than 90 days prior to the expiration date of the license.

However, the department frequently receives and processes otherwise acceptable applications for renewal within a shorter time frame than the statutory 90 days, in order to facilitate retention capability for qualified homes.

In a recent review of foster family care, federal auditors questioned the validity of accepting applications for renewal that are received less than 90 days prior to expiration of the original license.

Summary: The Department of Social and Health Services is provided additional statutory flexibility in accepting applications for renewal. The time allowed for filing renewal requests is extended until the expiration of the license.

Votes on Final Passage:

Senate	47	0
House	95	0

Effective: July 28, 1991

E2SSB 5096

C 280 L 91

Requiring state laws and rules to be assessed to determine adverse impacts on agriculture.

By Senate Committee on Ways & Means (originally sponsored by Senators Barr, Hansen, Anderson, Newhouse, Conner, Bailey, Matson, Patterson, Amondson, Sellar, Bauer, McMullen and L. Smith).

Senate Committee on Agriculture & Water Resources
Senate Committee on Ways & Means
House Committee on Agriculture & Rural Development

Background: A number of agencies, including the Department of Wildlife, the Department of Fisheries and the Department of Trade and Economic Development, were given specific overall mission statements when they were formed, some of which have been amended over time. These mission statements or statements of purpose are designed to provide the basic framework within which the agency functions. Other agencies, such as the Department of Agriculture, lack an overall mission statement but instead administer a variety of individual regulatory and nonregulatory programs, each with its own purpose statement.

Summary: The mission of the Department of Agriculture is to seek to maintain the economic well-being of the agricultural industry and its dependent rural community in Washington.

Votes on Final Passage:

Senate	39	8	
House	94	3	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Conference Committee (report not adopted)

House	97	0	(House refused to recede)
Senate	35	8	(Senate concurred)

Effective: July 28, 1991

SB 5103

C 19 L 91

Concerning the registration of engineers.

By Senators Craswell, Nelson, McMullen and Matson; by request of Department of Licensing.

Senate Committee on Commerce & Labor
House Committee on Commerce & Labor

Background: The Department of Licensing is requesting this legislation to increase administrative efficiency, to update references to women, and to remove unnecessary requirements regarding the licensing of engineers.

Summary: References to "his" are changed to "his or her" or "the applicant's."

Registration fees for professional engineers are based on the costs associated with administering examinations and issuing certificates.

An additional fee is not required when registration as a professional engineer is completed by an engineer in training.

The registration fee for land surveyors does not have to be the same as that of a professional engineer when one person holds both certificates. Licensing is allowed to issue separate certificates for each of these professions.

Candidates failing an examination for registration as an engineer may retake the examination without waiting six months.

The state Board of Registration for Professional Engineers and Land Surveyors determines if nonresidents are legally qualified for temporary practice in Washington State. Registration in their home state or country may allow applicants to practice in Washington State for a maximum period of 30 days without having a Washington State certificate.

Reciprocity is no longer a criterion for granting a certificate to an applicant that is registered in another state or country.

Votes on Final Passage:

Senate	41	0
House	95	0

Effective: July 28, 1991

SB 5104

FULL VETO

Revising pilot examinations.

By Senators Moore, Amondson and Metcalf.

Senate Committee on Transportation
House Committee on Transportation

Background: Current law requires the Board of Pilotage Commissioners to conduct a pilotage examination every two years in order to license state pilots of foreign vessels operating in state waters. It also requires the board to develop five examinations and grading sheets for the Puget Sound Pilotage District and two for each other pilotage district, for the testing and grading of pilot applicants.

Summary: The requirement that the Board of Pilotage Commissioners conduct an examination for pilot applicants every two years is deleted. In lieu of that, the

board is given discretion to hold exams at such times as will, in its discretion, ensure the maintenance of an efficient and competent pilotage service. When there are three or fewer pilots on the waiting list for the Puget Sound Pilotage District, the board is required to hold an exam. The board must also provide reasonable advance notice of an examination.

Further, the development of a single examination and grading sheet for each pilotage district is required rather than the multiple examinations currently required.

Votes on Final Passage:

Senate	43	0	
House	95	0	(House amended)
Senate	45	0	(Senate concurred)

FULL VETO (See VETO MESSAGE)

SSB 5106

C 22 L 91

Adopting the 1991 supplemental transportation budget.

By Senators Patterson, Vognild and Conner; by request of Office of Financial Management and Governor Gardner.

Senate Committee on Transportation
House Committee on Transportation

Background: Appropriation authority is required for the expenditure of state funds. Additional appropriation authority is necessary for several Department of Transportation programs for the 1989-91 biennium because of unforeseen circumstances.

Summary: The 1991 transportation supplemental budget adds $12.4 million to the 1989-91 appropriation. The major elements of the supplemental budget are:

1) Flood/disaster activities: For washed out roadway and culverts; slide removal; and bridge repair.	$ 8.0 million
2) Snow and ice control: To increase snow and ice control because of harsh winter.	$ 0.5 million
3) Marine fuel/tort claims	$ 3.9 million
	$12.4 million

The total appropriation is $12.4 million, of which $6.8 million is from the motor vehicle fund-federal, $1.7 million from the motor vehicle fund-state, and $3.9 million from marine.

Votes on Final Passage:

Senate	45	0
House	97	0

Effective: April 17, 1991

SB 5107

C 72 L 91

Making multiple changes to the statutes governing corporations.

By Senators Nelson, A. Smith and Newhouse.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The Washington Business Corporation Act was enacted by the Legislature in 1989 to replace the former law governing the operation of corporations within the state. The act was modified last year to incorporate several technical changes recommended by the Corporate Act Revision Committee of the Washington State Bar Association.

Additional refinements to the Washington Business Corporation Act are proposed.

Summary: In addition to other specified forms, the Secretary of State may prescribe a standardized "initial report" form for use by corporations. A corporation's initial report must be delivered to the Secretary of State within 120 days of the date on which the corporation's articles of incorporation were filed. The filing fee for an initial report is $10. The copying fee for an initial report is $1. The penalty for failing to file a full and complete initial report is $25. The Secretary of State may also administratively dissolve a corporation for failing to file an initial report when due. Each corporation is required to keep a copy of its initial report at its principal office. The officers of a corporation must consist of a president, one or more vice presidents, a secretary, and a treasurer.

The definition of "deliver" is expanded to make it clear that demands, consents, and waivers may be delivered to the corporation and its officers by facsimile transmission. In addition to first-class mail, notice to shareholders may be effected by telegraph, teletype, or facsimile equipment. For purposes of taking action without a meeting, a written consent from a shareholder is effective upon "delivery" instead of "possession."

In addition to more than a majority of the directors, the articles of incorporation or bylaws of a corporation may also specify a quorum consisting of less than a majority of the directors.

The procedure by which a foreign corporation applies to the Secretary of State for an amended certificate of authority is outlined.

Votes on Final Passage:

Senate	42	5
House	94	0

Effective: July 28, 1991

SSB 5108

C 227 L 91

Regulating promotional advertising of prizes.

By Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, McCaslin, Moore, Vognild, Matson, Rasmussen, Pelz and Owen; by request of Attorney General).

Senate Committee on Financial Institutions & Insurance
House Committee on Commerce & Labor

Background: Current state law sets forth various provisions concerning deceptive, false, or misleading advertisements. For example, no person may knowingly make, publish, or disseminate any such advertisements in the insurance business. Similarly, state-chartered industrial loan companies and consumer finance companies are prohibited from disseminating false or deceptive representations regarding loan transactions. Certain provisions also govern the advertisement and offering of gifts by camping resort and timeshare promoters.

Concern has been expressed that some businesses may be using promotional advertisements involving the use of prizes or other promotions in a deceptive manner. Some businesses and lenders have used simulated or real checks in their solicitation campaigns. Simulated checks look like actual checks except they may contain the phrase "nonnegotiable" or "nontransferable." However, because these documents resemble actual checks, concern has been expressed that consumers, bank employees, and retail store employees may be misled into thinking that the checks are bona fide negotiable instruments.

Similarly, real checks that when cashed impose continuing financial obligations upon the casher also have been used in various solicitation campaigns. Concern has been expressed that these type of checks may not contain adequate disclosures to inform the consumer of his or her future obligations.

Summary: Various provisions governing the content of written notices and procedures associated with the use of prizes in promotional advertising are set forth.

In order for the following provisions to apply to an offering, the offering must be made to a specifically named person, not the public at large. In addition, the prize being awarded must be different from the service or product being offered.

Certain items offered in promotions are exempt from the provisions of the chapter. In order to be exempt, there must be (1) no element of chance in obtaining the item; (2) a merchandise review period to return undamaged merchandise for a full refund; (3) the ability to keep the item offered in the promotion without obligation; and (4) no required sales presentation or payment to receive an offered item.

Any written notice subject to the provisions of the chapter must contain the name and address of the promoter and sponsor. The notice must disclose the retail value and any odds associated with receiving a prize in the immediate proximity of the first listing of the prize. This disclosure also must be at least as large as the standard text of the offer. Further, if the offer is part of a collective promotion with more than one sponsor, this fact must be disclosed.

If an individual is required or invited to attend a sales presentation in order to claim the prize, this fact must be disclosed along with any other restrictions or qualifications to receive or use a prize. No prize may be represented as being free if the individual must pay a sum of money to receive the prize (i.e., shipping or handling fees).

At the beginning of any sales presentation, the consumer is to be informed of the prize or prize voucher to be received. Provisions governing the availability or replacement of prizes are also set forth. The offer must include a clear statement of the consumer's rights concerning the substitution of prizes. The provisions of this chapter are applicable to certain offers by camping resorts and timeshares.

The use of any document that is nonnegotiable but has the visual characteristics of a negotiable instrument must contain the following disclosure: "THIS IS NOT A CHECK." If the document is a negotiable instrument that imposes a financial obligation upon the casher of the check, a conspicuous disclosure that "THIS IS A LOAN" or "CASHING THIS REQUIRES REPAYMENT" must be diagonally printed on the front of the check. The provisions governing a continuing obligation check do not apply to financial institutions.

A person is authorized to bring an action against a sponsor or a promoter for damages, which include the value of the prize and any fees paid. A court also may award the greater of $500 or three times the actual damages sustained by the person (up to $10,000), equitable relief, attorney's fees, and any other remedy deemed proper.

A knowing violation of this act is a gross misdemeanor, which is punishable by a fine up to $5,000 or imprisonment for one year, or both.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 28, 1991

SSB 5110

C 203 L 91

Expanding real property tax exemptions for senior citizens and certain retired persons.

By Senate Committee on Ways & Means (originally sponsored by Senators Bluechel, Bauer, McDonald, McMullen, Cantu, Gaspard, Bailey, Craswell, Wojahn, Sutherland, Vognild, Rasmussen, Johnson, Conner, Snyder, A. Smith, Talmadge, L. Smith, Madsen, Stratton, Murray, Rinehart, Pelz, Oke, Erwin, McCaslin and Skratek).

Senate Committee on Ways & Means

Background: Senior citizens at least 61 years of age and persons retired by reason of physical disability are authorized a partial property tax exemption on their principal residences and up to one acre of land on which they are situated if the combined disposable household incomes are $18,000 or less according to the following table:

Income	Exemption
$14,001 to $18,000	All excess levies
$12,001 to $14,000	All excess levies Regular levy on greater of $24,000 or 30% of valuation ($40,000 valuation maximum)
$12,000 or less	All excess levies Regular levy on greater of $28,000 or 50% of valuation

Application is only required in the first year, but the claimant is required to inform the county assessor of any change in status.

Qualifying persons may defer any taxes and special assessments due on the residence on up to 80 percent of the equity value in the residence. The Department of Revenue reimburses local taxing districts the amount of their taxes and assessments deferred. The total amount of taxes so deferred constitute a lien on the property and are due, with interest at 8 percent per year, upon sale or condemnation of the property, when the claimant ceases to reside on the property, or upon death of the claimant.

Two percent of the real and personal property of a nonprofit home for the aging is exempt from property taxes for every 1 percent of the dwelling units that are occupied by eligible residents. Residents are eligible if they meet the upper income limit for eligibility under the senior citizen property tax exemption program. The upper income limit is currently $18,000.

Summary: The income limits and exemption amounts under the senior citizen property tax exemption program are increased according to the following table:

Income	Exemption
$18,001 to $26,000	All excess levies
$15,001 to $18,000	All excess levies Regular levy on the greater of $30,000 or 30% of valuation ($50,000 maximum valuation)
$15,000 or less	All excess levies Regular levy on greater of $34,000 or 50% of valuation

The changes to the senior citizen income limits do not apply to the property tax exemption for homes for the aging. The income limit for residents of homes for the aging is changed to the income limit for regular property tax relief under the senior citizen property tax exemption program. The income limit for regular property tax relief under the senior citizen property tax exemption program is $18,000.

County assessors are required to compile data in 1992 on the number of persons using the exemption and deferral programs, income levels, and residential valuations. Results are to be reported to the Department of Revenue by March 1, 1993.

Votes on Final Passage:

Senate	45	0	
House	93	5	(House amended)
Senate	43	1	(Senate concurred)

Effective: May 16, 1991

SB 5111

C 133 L 91

Directing money received by inmates, for testifying, into the victims compensation account.

By Senators Madsen, Wojahn, Rasmussen, Amondson, A. Smith, Snyder, Gaspard and Skratek.

Senate Committee on Law & Justice
House Committee on Human Services

Background: Washington allows inmates working in prison to earn wages. A portion of wages earned may be deducted to cover the costs of corrections or for deposit in the crime victims' compensation account. The U.S. Supreme Court recently ruled that inmates in state prisons who testify at a federal trial are entitled to witness fees.

Summary: All money received by an inmate for testifying in any judicial proceeding is to be deposited in the crime victims' compensation account.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House	96	0	(House receded)

Effective: July 28, 1991

ESSB 5114

C 166 L 91

Requiring safety enhancements for student transportation.

By Senate Committee on Ways & Means (originally sponsored by Senators Murray, Bailey, Bauer, Thorsness, Erwin, Gaspard, A. Smith, Rinehart, Madsen, Talmadge, Wojahn, Rasmussen, Conner and Snyder; by request of Task Force on Student Transp. Safety).

Senate Committee on Education
Senate Committee on Ways & Means
House Committee on Education
House Committee on Appropriations

Background: The Task Force on Student Transportation Safety was established in 1989 to develop recommendations for reducing the dangers children face as they travel to and from school. Among its 11 recommendations are equipping school buses with crossing arms and providing bus drivers additional resources to maintain discipline on buses.

Crossing control arms are devices mounted to the front of buses that, when extended, force students to walk at least five feet in front of the bus. Crossing arms keep students within the bus driver's view to prevent fatalities and injuries during passenger loading and unloading. Inside the buses, monitors have proven helpful in controlling student behavior.

Under current law, the state pays the cost of transporting students who live beyond a one-mile radius of school. The state will also pay to transport students living closer if it is determined the students' route to school is hazardous due to traffic related conditions.

Summary: All school buses owned or contracted by school districts in the state must be equipped with a crossing arm by September 1, 1992. The Superintendent of Public Instruction is responsible for purchasing and distributing the crossing arms by October 1, 1991. School districts are responsible for their installation.

The Superintendent of Public Instruction and at least one school district shall conduct a pilot program to test the feasibility of using video cameras inside school buses to reduce student discipline problems and help school bus drivers identify students who create problems. Findings shall be reported to the Education Committees of the Legislature by December 31, 1991.

By December 1, 1991 the Superintendent of Public Instruction shall review the current use of aides on special education buses and provide the Legislature with recommended guidelines, and associated fiscal impacts, for increasing the use of aides on special education buses.

The Superintendent of Public Instruction, in cooperation with school districts, the State Patrol, and local law enforcement personnel, shall develop an expanded definition of "hazardous walking conditions" to include "social hazards" for the purposes of student transportation funding. Social hazards to be considered include unacceptable levels of narcotic activity, sex offenders, prostitution, street violence, and environmentally dangerous areas. The proposed definition and guidelines, with associated fiscal impacts, shall be submitted to the Legislature by December 1, 1991.

If funding for the bill is not included in the budget, the bill shall be null and void.

Votes on Final Passage:

Senate	44	0	
House	93	5	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 28, 1991

E2SSB 5120

PARTIAL VETO

C 367 L 91

Making adjustments to child support guidelines.

By Senate Committee on Ways & Means (originally sponsored by Senators Nelson, Rasmussen, Thorsness, Stratton, Saling, McCaslin, Hayner, Erwin, L. Smith, Newhouse, Amondson, Johnson, Bailey, Gaspard, Vognild, Matson, West, Owen, Bauer, Snyder, Roach and Oke).

Senate Committee on Law & Justice
Senate Committee on Ways & Means
House Committee on Judiciary

Background: When Washington adopted a statewide child support schedule in 1988, the Legislature provided that counties could vary the schedule up to 25 percent for incomes above $2,500. Twenty-six counties have since adopted lower economic tables. The federal

government has indicated this does not comply with its requirement that child support guidelines be uniformly applied throughout the state. The state could lose federal funding for public assistance programs if found in violation of federal requirements.

The Governor vetoed portions of 1990 legislation on child support relating to the definition of income and deductions, application of the schedule to combined incomes less than $600 and more than $5,000 per month, and payment of daycare and other expenses.

Venue for dissolution actions is in the superior court in the county in which the petitioner resides. No statute specifically establishes venue for actions to modify child support.

In 1989, the Legislature amended the procedures for mediation to provide that they do not apply to postdecree mediation proceedings. The Legislature may have intended only to provide that the confidentiality restrictions do not apply to postdecree mediation.

Support orders may provide for periodic adjustments of support but the basis for modifications is not specified. Also, the statutes are not clear as to the effective date of modifications. It is suggested the Legislature should allow noncustodial parents called to active military duty in the war with Iraq to seek modification of support if their income was reduced.

Parenting plans may only be amended upon a showing of substantial change in circumstances of the child or nonmoving party. Less stringent standards for certain modifications have been suggested to provide some flexibility to parenting plans.

Each county superior court must have a "family court" to hear matters involving family law such as actions for divorce, custody, and support. Family court services must be requested in the petition. Because the services offered by family courts vary, the Washington State Bar Association Domestic Relations Task Force has recommended that family court services be implemented statewide.

The Office of Support Enforcement (OSE) is the designated agency to administer the child support enforcement program under the federal Social Security Act. OSE has proposed statutory changes to bring Washington's state plan into compliance with recent changes in federal law and improve program operations.

Summary: Legislative intent is revised to recognize that parties to a divorce may suffer a reduced standard of living as a result of a divorce.

A revised economic table from Clark County is adopted and the authority of superior courts to adopt a different table is eliminated. The table incorporates graduated reductions from the Child Support Commission table of up to 25 percent for combined monthly incomes above $2,500. The table is advisory only for combined monthly incomes between $5,000 and $7,000.

Bonuses are included in income only if they are recurring. Nonrecurring bonuses, contract-related benefits, gifts and prizes, overtime, and income from a second job are excluded from income but may be a basis to deviate from the economic table. Income of a new spouse or cohabitant is also excluded from income but may only be a basis for deviation if deviation is requested on any other ground. A court may deviate if the child spends a significant amount of time with the parent paying support unless it would result in insufficient funds for the child's basic needs or the child is receiving aid to families with dependent children. The court may also deviate based on extraordinary debt that was not voluntarily incurred, a significant disparity in cost of living between parents, or special needs of children. The court must enter written findings of fact on all requests for deviation, whether granted or not.

Voluntary pension payments up to $2,000 per year may be deducted from income if the payment was made for two tax years prior to the earlier of the tax year in which the parties separated or in which the parties filed for dissolution.

Postsecondary educational support is an obligation of both parents. The school must be accredited, the child must make academic records available to both parents, and support is automatically suspended if the child fails to comply with the statutory conditions. The payments must be made to the institution if feasible, and otherwise to the child or the parent who has been receiving support payments. The maximum award for tuition is the amount a Washington resident pays at a state four-year university.

The parent paying support is entitled to proof of the amount paid for daycare, transportation, and other specified expenses. The parent receiving support is entitled to prompt reimbursement. Remedies available to parents include wage assignment, orders to compel payment, and orders to compel production of documents. If OSE seeks a wage assignment, documentation must first be obtained from both parents. The parent paying support has 30 days to provide documentation before OSE may proceed.

If a parent is voluntarily underemployed or unemployed, the court must impute income based on the parent's work history, education, health, age, and other relevant factors. A parent paying support may not be reduced below the need standard established by the Department of Social and Health Services, except for a minimum mandatory payment of $25 per child per month. A parent's total child support obligation may

not exceed 45 percent of net income except for good cause shown.

A dissolution proceeding may be brought in the county where either the petitioner or respondent resides. Proceedings to modify child support may be brought in the county where the children reside, the county in which the final order was entered, or the county where the person with custody resides.

Modifications are effective as of the date of filing the motion. Parents paying child support who were called to active military duty in the war with Iraq may bring a motion to modify support retroactively based on a reduction of income. Financial affidavits need not be filed in modification proceedings.

A motion to modify a parenting plan that arises out of the dispute resolution process or constitutes only a minor modification in the residential schedule can be brought upon a showing of a substantial change in the circumstances of either parent or the child.

Statutory mediation provisions are applicable to post-decree mediation required in a parenting plan, except that mediators may testify about the proceedings.

All cases that involve a family law issue are under the jurisdiction of the family court. Family courts may also offer reconciliation, mediation, investigation, and treatment services. If such services are offered by a county, they may apply to the Office of the Administrator for the Courts for matching funds.

Wage assignments remain in effect for one year after an employee leaves employment. An employer who fails to withhold earnings as required by a wage assignment may be held liable.

Foreign support orders may be registered in Washington but only for purposes of modification and enforcement of the child support provisions. Modification of administrative child support orders is subject to the same statutory requirements as modification of court orders.

OSE may proceed against a parent's earnings which are located in or subject to the jurisdiction of the state of Washington, regardless of the actual residence of the parent. Support money collected by OSE must be distributed to satisfy a support debt owed to the custodian before paying the debt owed to the state if the custodian is no longer receiving public assistance.

Immediate income withholding may be avoided by a court finding of good cause or court approval of a written agreement for an alternative arrangement. OSE may seek payroll deduction against unemployment benefits.

When representing OSE, the Attorney General or prosecuting attorney represent the state and the best interests of children, not the parents. The Attorney General or prosecuting attorney may function as a child's guardian ad litem but parents must be notified of their right to request a different guardian.

An adjudicative hearing may be requested by a responsible parent up to one year after receiving a notice and finding of financial responsibility.

Votes on Final Passage:

Senate	35	11	
House	67	27	(House amended)
Senate	36	10	(Senate concurred)

Effective: September 1, 1991 (Section 19, which provided for state matching funds for counties offering family court services, is null and void because this program was not funded in the budget.)

Partial Veto Summary: The veto retains the current law's statement of legislative intent. The provisions that change the definitions of income, exclusions, and deductions are all stricken. The grounds for deviation listed in the bill are also vetoed. The provisions on postsecondary educational support and reimbursement of daycare, transportation, and extraordinary expenses are stricken. The section listing factors to be considered by the court when imputing income is vetoed. The provisions specifying an effective date of modifications and allowing retroactive modification for certain parents called to active military duty in the war with Iraq are vetoed. The section requiring periodic modifications to conform to the current child support statutes is stricken. The change in venue for dissolution proceedings is stricken. (See VETO MESSAGE)

2SSB 5124

C 334 L 91

Licensing private security guards.

By Senate Committee on Ways & Means (originally sponsored by Senators Erwin, Gaspard, Amondson, Matson, Owen, Snyder, Nelson, von Reichbauer, Thorsness, Sellar, Johnson, Murray, McMullen, Bailey, Anderson and Talmadge).

Senate Committee on Commerce & Labor
Senate Committee on Ways & Means
House Committee on Commerce & Labor
House Committee on Appropriations

Background: Proposals to regulate security guards have existed in Washington State for the past decade. These motions are based on claims that licensing would provide assurance of skill, ethics, and professionalism. Private security guards are also seeking relief from the business license structure of local jurisdictions through state regulation.

Private security firms, security guards, private detective agencies, and private detectives were all included in one licensing bill during past legislative sessions.

Summary: An applicant for a private security guard license must meet the following minimum requirements: be at least 18 years old; be a U.S. citizen or resident alien; have not had a felony conviction within the past ten years; have an offer for employment from a private security company or obtain a security company license; satisfy training requirements established by the Department of Licensing; submit fingerprints; and pay the licensing fee.

Each private security company owner, or "qualifying agent" in the case of a corporation, must meet the following criteria in addition to those listed above: have at least three years' experience as a manager in a security firm or pass an examination approved by the Department of Licensing; provide evidence the firm has at least $25,000 of liability insurance for bodily injury and $25,000 for property damage; and pay the licensing fee.

An applicant must meet the following requirements in order to obtain an armed private security guard license: be licensed as a private security guard; have a current firearms certificate issued by the Criminal Justice Training Commission; be 21 years of age; and pay the licensing fee.

A licensed private security firm may issue a temporary registration certificate to an applicant after he or she has completed preassignment training and applied to the department for a permanent private security guard license. This temporary registration certificate will allow the applicant to work as a private security guard until a permanent license can be obtained from the department. Temporary registration certificates shall not permit the holder to carry firearms.

The Department of Licensing, in determining if an applicant should be licensed, shall investigate each applicant to verify that the information given is true. The department shall request the State Patrol to check the fingerprints supplied against those available to it. A summary of the findings shall be forwarded to the employing firm and to the chief law enforcement executive in the county and city in which the employer is located.

The director may withhold a license if the applicant has been convicted of a crime that directly relates to his or her ability to perform the duties of a security guard.

No governmental subdivision of the state shall regulate private security guards in a manner inconsistent with the act. However, the act does allow local jurisdictions to impose business and occupation taxes on private security firms operating in their jurisdictions.

Certain violations of the act are made gross misdemeanors, including: unlicensed practice; using the license of another person; using false or forged evidence in obtaining a license; impersonating a licensee; and using an expired or revoked license.

A number of actions that violate the chapter are added and include: failure to return a firearm immediately and on demand of the employer; carrying a firearm while on duty if not licensed as an armed security guard; failure to return company badges, identification, or other items on demand; impersonating a sworn peace officer; divulging confidential information; conviction of a gross misdemeanor or felony, moral turpitude, dishonesty, or corruption; negligence that results in unreasonable risk or injury to another person; failure to cooperate with the director of the Department of Licensing; failing to adequately supervise employees which places the public at risk; and willful misrepresentation of facts.

The director of the Department of Licensing has the authority to: amend and rescind rules; issue subpoenas and administer oaths; take depositions; compel attendance of witnesses; conduct reviews; order summary suspension in emergencies; use the office of administrative hearings; enter into contracts for administrative services; adopt standards of professional conduct; and enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing.

The director may enforce the payment of fines in superior court.

Any person or government agency may maintain an action to enjoin any unlicensed person from performing the duties of a security guard. A civil penalty of $25,000 may be imposed on a person violating an injunction.

The director and his appointed representatives are immune from suit based on official acts performed in the course of their duties under this act.

Votes on Final Passage:

Senate	48	1
House	94	1

Effective: July 28, 1991

2SSB 5127

C 127 L 91

Establishing citizen review boards.

By Senate Committee on Ways & Means (originally sponsored by Senators Craswell, Bailey, Vognild, Erwin, L. Smith, Stratton, Matson, Conner and Roach).

Senate Committee on Children & Family Services
Senate Committee on Ways & Means
House Committee on Human Services

Background: The Washington foster care citizen review system was authorized by legislation passed in 1989. Foster care citizen review boards (FCCRBs) have been established in two pilot sites, Snohomish and Yakima counties. The citizen review boards examine cases in which the state has filed a petition for dependency or the parents have agreed to voluntary out-of-home placement of a child in substitute care.

A conflict currently exists between the statute which specifies when FCCRB hearings are required to be held and the dependency statute. The dependency statute requires each case to be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The statute pertaining to FCCRB hearings requires reviews to occur within 90 days from the date of the placement episode, within six months of the date of the placement episode, and within one year of the placement episode. However, the intent of the Legislature was to allow FCCRB hearings to take the place of automatic court reviews with the provision that any party to a dependency proceeding may request and receive a court review hearing.

Some Indian tribes have expressed concern about the fact that FCCRBs sometimes review cases involving Indian children but the board may not contain any Indian reviewers.

Summary: There must be a court review of all children found to be dependent at least every six months from the date of out-of-home placement or the date dependency is established, whichever is first, except for children whose cases are reviewed by a FCCRB.

Periodic case review of children in out-of-home care shall be provided in counties designated by the Office of the Administrator for the Courts and within funding provided by the Legislature.

When recommendations are submitted by a FCCRB to the court and they are different from the existing court-ordered case plan, the board is required to request a court review hearing. It is clarified that FCCRB recommendations are advisory only and do not modify existing court orders or court-ordered case plans.

When parental rights have been terminated and the child has not been adopted, nor has a general guardian been appointed, the child shall return to court within six months for entry of further orders. The court will review the case every six months except for those cases which are reviewed by a citizen review board.

Votes on Final Passage:

Senate	43	0
House	97	0

Effective: May 10, 1991

SSB 5128

C 147 L 91

Requiring notification to witnesses upon release or escape of serious drug offenders.

By Senate Committee on Ways & Means (originally sponsored by Senators Madsen, Jesernig and Rasmussen).

Senate Committee on Law & Justice
Senate Committee on Ways & Means
House Committee on Judiciary

Background: The victim, witness, and police notification programs that currently exist require the Department of Social and Health Services (DSHS) and the Department of Corrections to notify victims and witnesses of the release of juvenile and adult violent or sex offenders. The police are sent the notices as a matter of course, but victims and witnesses must request notice of the release of such offenders in writing.

A similar notification program is suggested for witnesses who have testified against persons convicted of serious drug offenses and who are about to be released by the Department of Corrections.

Summary: Upon written request, the Department of Corrections must notify those witnesses who testified against an inmate in a court proceeding involving a serious drug offense if the inmate is about to be released from total confinement. The notification must take place at the earliest possible date, and in no event later than ten days before release.

The department is also required to notify the appropriate witnesses whenever an inmate convicted of a serious drug offense escapes or is recaptured.

Other persons specified in writing by the prosecuting attorney must also receive notice of a serious drug offender's release, escape, or recapture.

"Serious drug offense" means a violation of the Controlled Substances Act involving Schedule I or II narcotic drugs or counterfeit substances that are narcotic drugs.

This act is contingent upon funding in the Omnibus Appropriations Act.

Votes on Final Passage:

Senate	46	0
House	97	0

Effective: July 28, 1991

SB 5141

C 344 L 91

Accelerating changes to five-member boards of county commissioners.

By Senator McCaslin.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: In 1990, legislation was passed which allows a noncharter county, by vote of the people, to increase the board of commissioners from three to five members. The act has a delayed effective date of January 1, 1993. Some counties would like to propose increasing the size of their boards of commissioners sooner than that date.

Summary: The delayed effective date of January 1, 1993 is eliminated.

Votes on Final Passage:

Senate	47	0
House	91	0

Effective: May 21, 1991

2SSB 5143

C 297 L 91

Increasing the procurement of recycled products.

By Senate Committee on Ways & Means (originally sponsored by Senators Metcalf, Murray and Conner).

Senate Committee on Environment & Natural Resources
Senate Committee on Ways & Means
House Committee on Environmental Affairs
House Committee on Appropriations

Background: The "Waste Not Washington" Act of 1989 established an orderly process of reducing the state's solid waste stream through waste reduction and recycling.

The planning process is underway by local governments. Household curbside collection systems are now in place in most of the major cities. Private industry is increasing its processing and manufacturing of recycled content products.

The successful marketing and sale of recycled content products are essential to complete the waste reduction and recycling cycle.

Procurement of recycled content products by public agencies will both set an example and stimulate the market.

The state of Washington purchases about $1.5 billion in goods and services annually. The Department of General Administration controls about $250 to $300 million in purchases.

Governmental agencies can set the example by increasing their purchases of recycled content products and contribute to the state's waste reduction and recycling goals.

Summary: All units of state and local governments, school districts and special purpose districts shall increase their procurement of recycled content products.

"Local government" means a city, town, county, school district, special purpose district or other municipal corporation. "State agency" means all units of state government, including divisions of the Governor's Office, the Legislature, the judiciary, state agencies and departments, correctional institutions, vocational technical institutions and universities and colleges.

The $500,000 threshold for local governments' participation is for purchases of supplies as of fiscal year 1989, excluding expenditures for capital goods and purchases by cities for power, gas or water for resale. Local governments shall review their procurement plans and policies, adopt minimum purchasing goals for recycled content products and report on their strategies to the Department of General Administration (GA).

GA shall develop minimum content standards as follows: paper, paper products, latex paint, and compost by July 1, 1992; and for plastics, retread tires, remanufactured tires, lubricating oils, automotive batteries and building insulation by July 1, 1993.

A database of recycled content products and a directory of businesses shall be developed. GA shall implement an information and technical assistance program for all public agencies.

GA is directed to conduct two or more annual workshops on procurement requirements. GA is to provide information for intergovernmental agreements to facilitate recycled product procurement.

State and local government bids must include a description of the requirements for postconsumer content in recycled products and the procurement preference program.

By 1995, 75 percent of paper purchased by the State Printer shall have recycled content.

Vendors shall certify the amount of recycled content in their products.

To increase use of compost products in landscaping materials, GA and the Department of Transportation (DOT) shall set purchasing goals for these products. In addition, DOT shall prepare a report on recycled materials use in transportation projects by January 1, 1992.

The State Building Council shall study increased use of recycled building materials from construction and building demolition debris, mixed waste paper and waste plastics.

The larger local governments preparing procurement strategies under the act shall increase the use of composted materials on road projects. Goals shall be set for procurement, leading to 50 percent of purchases by 1994.

School directors shall consider use of recycled materials from shredded waste tires for playground matting.

Bidders shall submit written statements listing in 5 percent increments the range of recycled content in their product when bidding under the preferential purchase program.

The bill is contingent on funding in the budget.

Votes on Final Passage:

Senate	49	0	
House	98	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 28, 1991

SB 5147

C 321 L 91

Protecting alternative dispute resolution processes and mediators and arbitrators from legal action.

By Senators Nelson, A. Smith and Newhouse.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Mediation and other alternatives to trial are significant adjuncts to our legal system. The Revised Code of Washington refers to "mediation, mediator," or "mediating" disputes at least 37 times. Mediation works best when participants believe statements made will remain confidential. There is currently no statute or rule of evidence which controls dissemination of communications or material disclosed in mediation.

Summary: When parties to a dispute have a written agreement to mediate, or a court has ordered mediation, any materials submitted or communications made in connection with the mediation are privileged and not subject to disclosure in subsequent legal proceedings. Exceptions are made when the parties agree in writing to disclosure, when the materials are otherwise subject to discovery, when disclosure is required by statute, when the materials consist of written agreements reached through mediation, or when they pertain to administrative matters incidental to the mediation proceedings.

In an action between a mediator and a party to the mediation, materials submitted on communications made in the mediation may be disclosed and the mediator may be compelled to testify. In no other circumstances may the mediator be compelled to testify when there is a court order on a written agreement to mediate unless all parties to the mediation and the mediator agree in writing.

When a mediation is conducted by a state or federal agency using collective bargaining statutes, the agency's rules govern questions of privilege and confidentiality.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	95	0	
Senate	40	0	

Effective: May 21, 1991

SB 5148

PARTIAL VETO

C 269 L 91

Making multiple revisions concerning limited partnerships.

By Senators Nelson, A. Smith and Newhouse.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The Legislature adopted the Uniform Limited Partnership Act in 1981. The act was subsequently modified in 1987 to incorporate several substantive revisions recommended by the Partnership Law Committee of the Washington State Bar Association.

It is suggested that the Limited Partnership Act be amended to update certain provisions.

Summary: A limited partnership is expressly authorized to merge with another limited partnership or with a corporation. The rights of dissenting partners and the procedures through which such rights may be exercised are provided. A merger may be accomplished pursuant to specific statutory requirements or pursuant to provisions contained within the partnership agreement.

Limited partners are no longer liable to third parties for the obligations of the limited partnership based solely on their status as limited partners. A creditor's recourse is restricted to the limited partnership entity, general partners, and guarantors.

Guidelines governing a limited partner's liability for unlawful distributions are provided. A three year statute of limitation for recovery of unlawful distributions is created. A limited partner may agree in writing to extend such liability beyond the three-year period.

The name of each limited partnership must be distinguishable from the names of other limited partnerships registered with the Secretary of State.

The two-step procedure of filing a certificate of dissolution as well as a certificate of cancellation upon ending a limited partnership is eliminated.

An agent or attorney representing a limited partner is authorized to inspect and copy records on the limited partner's behalf.

New provisions are added for the administrative dissolution of limited partnerships by the Secretary of State. The Secretary of State is also authorized to revoke the registration of foreign limited partnerships under certain circumstances.

Votes on Final Passage:

Senate	46	3	
House	95	0	(House amended)
Senate	45	1	(Senate concurred)

Effective: July 28, 1991

Partial Veto Summary: The section of the bill is deleted which provides that a partnership agreement may authorize a limited partner to exercise the rights and powers of a general partner. In addition, the section of the bill is deleted which provides that a limited partner is not liable for the obligations of a limited partnership by virtue of being a limited partner or participating in the management or control of the limited partnership business. (See VETO MESSAGE)

ESSB 5149

PARTIAL VETO

C 18 L 91 E1

Regulating political gifts and public office funds.

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson and Rasmussen; by request of Public Disclosure Commission).

Senate Committee on Law & Justice

Background: The Public Disclosure Act requires elected and appointed officials to file a yearly report detailing contributions received for unreimbursed public office-related expenses. Concern has been expressed to the Public Disclosure Commission (PDC) that the reporting requirements which pertain to public office fund contributions and expenditures are inadequate and infrequent. The reporting requirements do not contain a definition of a "gift" and do not require the reporting of gifts.

Summary: The definition of "gift" is defined such that it includes the rendering of anything of value in return for which reasonable consideration is not given and received. Reasonable consideration is defined as the approximate range of consideration that exists in transactions not involving donative intent. Payments from the federal government or the state of Washington are excluded.

The following gifts are not required to be reported: A gift, other than a gift of partaking in a hosted reception, with a value of $50 or less; the gift of partaking in a hosted reception if the value of the gift is $100 or less; a contribution that is required to be reported; informational material that is not intended to confer any financial advantage; a gift that is not used and is returned to the donor or given to a charitable organization; a gift given under circumstances where it is clear beyond any doubt that the gift was not made as part of any design to influence a governmental entity or official; or a gift given prior to the effective date of this act.

A formula is provided for determining the "per person" value of a hosted reception.

If a lobbyist expends more than $100 per person for entertainment, the lobbyist must report the per person expenditure. Lobbyists are required to report each gift made to a state elected official, executive state officer or member of the immediate family of such an official or officer. Lobbyists are required to provide copies of gift reports to an official if the lobbyist identified the official or a member of the official's immediate family in the gift report as the recipient of a gift.

Elected officials and executive state officers must file a statement identifying each gift received during the previous calendar year including the date the gift was received and the name of the donor.

Votes on Final Passage:

Senate	48	1	
First Special Session			
Senate	44	2	
House	93	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: September 29, 1991

Partial Veto Summary: The emergency clause is removed. (See VETO MESSAGE)

ESSB 5156

C 178 L 91

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

By Senate Committee on Governmental Operations (originally sponsored by Senators McCaslin, Sutherland, Roach, Matson and Madsen).

Senate Committee on Governmental Operations
House Committee on State Government

Background: There is no requirement for local election officers to make sure that candidates for various offices reside in the jurisdictions where they wish to run. In a recent port district election, a commissioner candidate was elected, only to find that he was not a resident and therefore could not serve. Some method of proving the candidate's eligibility might reduce election costs.

Summary: A candidate filing for office must possess all legal qualifications required for being elected to that office. The candidate must present official documents and an affidavit at the time of filing which show that the candidate is registered in the district for which election is sought. The elections official reviews the necessary documents presented by the candidate.

A candidate's name will not appear on the ballot if this procedure has not been followed. The provisions do not apply to candidates for Congress or the U.S. Senate.

The legislative authorities of all local governmental units must provide to the elections officer in a single-county district or the Secretary of State for a multi-county district the most current information describing their geographical boundaries, and the boundaries of any internal election districts, and must ensure that the information is kept current.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 28, 1991

2SSB 5167

C 234 L 91

Amending the juvenile justice act.

By Senate Committee on Ways & Means (originally sponsored by Senators Nelson, Rasmussen, Newhouse, Stratton, Roach, Niemi and Talmadge).

Senate Committee on Law & Justice
Senate Committee on Ways & Means
House Committee on Judiciary

Background: The state's juvenile justice system was reformed in 1977 with the passage of a new juvenile justice code. The reforms involved proportionate decision-making standards for intake and sentencing, the provision of full due process rights, and the elimination of all court jurisdiction over noncriminal behavior. For sentencing purposes, juvenile offenders are assigned points based on their age, criminal history, and current offense and are categorized as minor or first offenders, middle offenders, or serious offenders.

Many officials who work in the juvenile justice system have recommended a review of the system.

Summary: A Juvenile Issues Task Force is created to review past legislation and study issues pertinent to juveniles. The task force is to issue a report and make recommendations to the Legislature by December 15, 1991. The task force has 32 members; ten members are legislators, two of which serve as co-chairs with a third co-chair appointed by the Governor. The remainder of the task force, appointed by the Governor, includes a variety of professionals and citizens involved in juvenile justice issues. The task force is to be funded by the Department of Social and Health Services and staffed by personnel available from the membership of the task force.

The Governor is to ensure that the racial diversity of the Governor's appointments to the task force reflects the racial diversity of the juveniles served by the state. If funding is provided in the budget, DSHS, in cooperation with the Commission on African American Affairs, is to contract for an independent study of racial disproportionality in the juvenile justice system.

Votes on Final Passage:

Senate	48	0	
House	95	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	98	0	
Senate	48	0	

Effective: May 16, 1991

SB 5170

PARTIAL VETO

C 338 L 91

Relating to district court judges.

By Senators Snyder, Nelson and Rasmussen.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: By statute, the state Legislature establishes the number of district court judges elected in each county.

Pacific County is authorized to elect three district court judges. It is suggested that the statutory authorization for district court judges in Pacific County be reduced to the county's current number of employed judges.

The salaries of full and part time district court judges are paid by counties. The amount of the salaries for full time judges is set by the State Salary Commission. The amount of the salary for part time judges is set by each county.

Summary: The number of authorized district court judicial positions in Pacific County is decreased from three to two.

The salaries of part time district court judges are to be established by the State Salary Commission.

Votes on Final Passage:

Senate	45	0	
House	95	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	97	0	
Senate	41	0	

Effective: July 28, 1991

Partial Veto Summary: Provisions relating to Pacific County judges are deleted (see HB 1467). Also, the emergency clause is deleted. (See VETO MESSAGE)

ESSB 5184

C 238 L 91

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

By Senate Committee on Higher Education (originally sponsored by Senators Saling, Bauer, Thorsness, Jesernig, Stratton, Talmadge and Snyder; by request of Governor Gardner).

Senate Committee on Higher Education
Senate Committee on Ways & Means
House Committee on Higher Education

Background: A number of studies have concluded that changes are necessary in both state and national policy to improve workforce education and training. The United States Department of Labor's 1987 study, "Workforce 2000," pointed to the demographic shifts that will mean greater diversity in the workforce and a requirement for the workforce as a whole to be more highly trained. "Washington Works Worldwide," the 1988 report of the Washington Economic Development Board, pointed to the critical need for a well-trained workforce in terms of the state's competition in a global economy. In June of 1990, the National Center on Education and the Economy's Commission on the Skills of the American Workforce produced a report, "America's Choice: High Skills or Low Wages," which underscores the work of the preceding reports and makes a number of bold recommendations for change. Basic to the conclusions of this report is the belief that the organization of work must move beyond the mass production model.

As the citizens of Washington move into the next century, they will require technical skills and vocational training as well as critical thinking skills if they are to help the state compete in that global economy. The Governor's Advisory Council on the Investment in Human Capital was created in 1990. The primary mission is to improve state policies for workforce education and training to meet shifting demographic and economic imperatives. Due to legislative concern about the fragmentation of the training system, the council was asked to recommend an agency to govern all postsecondary vocational education and the first two years of higher education not under the jurisdiction of a four-year college or university.

In 1990 the Office of Financial Management (OFM) was directed to administer a study of the state's training and retraining system that would provide the supporting data for the council's recommendations. Among the findings of the study are the following conclusions:

(1) The workforce is changing. It is growing more slowly and contains fewer young people. In addition, 40 percent of the net increase in Washington's workforce between now and 2010 will come from minority populations and approximately 53 percent will be women.

(2) A shortage of well-trained workers is already hurting the state.

(3) Many employers are unsatisfied with employee skills--both basic and technical. Eighty percent of all firms that hire workers with specialized technical skills have had difficulty finding qualified workers.

(4) The level of training that is most needed is vocational/technical training.

(5) Needs of target populations are not being met: functionally illiterate; dislocated workers; economically disadvantaged; people with disabilities; minority population.

(6) More support services are needed, including but not limited to day care, financial aid, career counseling, etc.

(7) The private sector alone cannot provide worker training. One-half of employers report lack of resources to provide training.

(8) Public programs are fragmented. Accountability and responsibility cannot be placed in one agency. Poor data collection is a problem for both business and labor. There are no common definitions for data collection or other purposes.

(9) Vocational education has a poor image in the United States. European models provide educational standards that all students must meet. Work-based learning of the apprenticeship-type has proven effective.

The Governor's Advisory Council on the Investment in Human Capital made recommendations covering nine major areas. These include creating a coordinating structure for vocational training, improving accountability, consolidating governance of programs for the adult workforce, and expanding apprenticeship programs. The council also recommended enhancing the following: literacy and basic skills programs, K-12 workforce programs, access to and funding for training programs, and efforts to recruit and train workers from diverse ethnic and cultural backgrounds.

Summary: The Workforce Training and Education Coordinating Board is created as the successor agency to the State Board for Vocational Education. The new board will have nine voting members. Six members, three each from business and labor, will be selected by the Governor and confirmed by the Senate. The Governor shall seek to ensure diversity and balance by the appointment of persons with disabilities, as well as ethnic, gender and geographical distribution. The Superintendent of Public Instruction, the Executive Director of the State Board for Community and Technical Colleges, and the Commissioner of Employment Security will be ex-officio voting members. A nonvoting chair shall be a person of vision appointed by the Governor.

The director of the board shall be appointed by the Governor from a list (or lists) of three names submitted by a committee made up of the business and labor members of the board. The Governor may dismiss the director only with the approval of a majority vote of the board. The board, by a majority vote, may dismiss the director with the approval of the Governor.

With the cooperation of the Superintendent of Public Instruction, the State Board for Community and Technical Colleges, and the Employment Security Department, the coordinating board shall develop a consistent and reliable data base. The coordinating board shall be primarily for planning, policy development and coordination. The coordinating board is responsible for administering the private vocational school act.

The coordinating board shall monitor the need for federally mandated councils: The Washington State Job Training Coordinating Council (SJTCC) and the Washington State Council on Vocational Education (COVE), as well as the Washington Advisory Council on Adult Education. There will be overlapping membership on the SJTCC to the maximum extent feasible. One service delivery area (SDA) administrator and one private industry council (PIC) representative shall be voting members of the SJTCC.

The State Board for Community and Technical Colleges shall have nine members with at least two from eastern Washington. Membership must include geographical diversity and one representative of labor and one representative of business. Programs and activities offered in the last year will continue so long as the need exists. The state board shall provide or coordinate apprenticeship programs.

The five vocational-technical institutes under the jurisdiction of the common school system are renamed and transferred to the State Board for Community and Technical Colleges. A separate five-member board of trustees is created for each of the five technical colleges: Bates Technical College, Clover Park Technical College, Bellingham Technical College, Lake Washington Technical College, and Renton Technical College. Local board membership shall include one member from business and one member from labor. There shall be a separate district for each technical college. A coordinating mechanism is provided for overlapping college districts. In Pierce County there will be an eight-member coordinating committee which includes two trustees from each college, responsible for regional planning. The coordinating committee shall not employ its own staff. Agreements for associate degrees are required in Pierce County, while in Whatcom County transfer courses will be offered only by the community college.

School districts sending students to the vocational-technical institutes may continue to send students to the technical colleges. High school students shall continue to be served by the technical college in the proportion as in school year 1989-90. The technical colleges may offer high school level nonvocational courses.

Technical colleges may buy support services from school districts by mutual agreement. Technical colleges are to offer nonbaccalaureate degrees under state board rules. Playgrounds will continue to be available. The $5,000 bid limit is increased to $15,000. Faculty senates shall be optional for the colleges.

Retirement and benefit options are clarified. SPI employees are transferred to the higher education personnel system. Bargaining laws are revised to include the technical college instructors. Contracts due to expire will continue until the board of trustees can negotiate a

new contract, or for one year, or longer by agreement. VTI/school district personnel are protected from retribution due to the act. VTI employees will not be given termination notices. On March 1, 1991, VTI directors become presidents of technical colleges.

Buildings used temporarily by a VTI and buildings already returned revert to the school district. VTIs stay with the school districts until September 1991. Liabilities are transferred with assets. No asset removal is allowed; no increase in direct costs is allowed--everyone must cooperate. Decisions regarding asset transfers are made in consultation with SPI, the state board, and a task force appointed by the Governor. If no agreement is reached, then the Governor will decide. Licenses are transferred with other papers. School districts are obligated only for bonds already issued.

Statutes pertaining to the Washington Institute of Applied Technology are repealed. The institute is renamed the Seattle Vocational Institute and becomes the fourth unit of the Seattle Community College District. The powers, duties, and functions of the Institute are transferred to the Seattle Community College District. The mission is clarified, staff is transferred and some faculty may be hired.

All literacy programs are transferred to the State Board for Community and Technical Colleges. SPI is directed to develop a curriculum that integrates vocational and academic coursework.

Votes on Final Passage:

Senate	32	17	
House	90	7	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate refused to concur)
House	93	4	(House amended)
Senate	30	16	(Senate concurred)

Effective: July 28, 1991

SB 5190

C 66 L 91

Permitting compensation of school directors' association directors.

By Senators Bailey and Rinehart.

Senate Committee on Education
House Committee on Education

Background: The Washington State School Directors' Association is made up of members of local school boards throughout the state. The association was first established in the 1920s and became a state agency in the mid-1940s. Officers of the association, which include a president, first vice president, second vice president, and an immediate past president, are currently paid only for expenses such as travel, food and lodging when they are conducting association business.

In December 1989, the association's 20-member board of directors passed a resolution that would, contingent upon necessary legislation, allow officers of the association to also be paid up to $50 per diem compensation for days they conduct association business.

Summary: The Washington State School Directors' Association is authorized to pay members of its board of directors per diem compensation for days they conduct association business. The per diem compensation is provided in accordance with the statute governing compensation of the members of class three, part-time boards and commissions.

The title of the chief officer of the Washington State School Directors' Association is changed from "executive secretary" to "executive director."

Votes on Final Passage:

Senate	32	10
House	95	0

Effective: July 28, 1991

SSB 5204

C 84 L 91

Changing licensure provisions for licensed practical nurses.

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators West and Niemi; by request of Department of Health).

Senate Committee on Health & Long-Term Care
House Committee on Health Care

Background: Practical nurses are licensed by the state under the Licensed Practical Nurse Practice Act and may practice under the supervision of a physician, dentist, podiatrist or a registered nurse. The profession is regulated by the Washington State Board of Practical Nursing. The board is composed of five members appointed by the Governor. Qualifications for membership are defined in statute. The board is responsible for approving applications for licensure, administering the licensure examination, and approving educational curriculum of practical nursing training programs. The board appoints an executive secretary to assist with licensing duties. The specific requirements of the executive secretary are enumerated in statute.

Applicants for licensure must be at least 18 years of age, have good moral character, be in good physical and mental health and have completed at least a tenth grade course or its equivalent. They must also complete

a board approved training program and pass a competency examination.

Summary: Individuals who represent themselves as licensed practical nurses are required to submit evidence of their qualifications to the Board of Practical Nursing. The board is directed to meet at least quarterly to conduct business and shall appoint officers annually. Members on the board may serve for no more than two consecutive terms and shall serve until a successor is appointed by the Governor. The board is directed to consult with the State Board for Community Colleges and the Superintendent of Public Instruction in formulating curriculum for approving training programs and schools. The board shall also establish criteria for minimum standards for training schools and programs. Institutions desiring to conduct a school or program for practical nurse training shall submit evidence to the board showing they can meet minimum standards and will teach the approved curriculum.

Applicants for licensure as a practical nurse shall possess a high school diploma, or its equivalent, and meet requirements established by the board and must not have violated the Uniform Disciplinary Act. Licensees shall provide evidence at the time of licensure renewal that they have kept their knowledge and skills current as required by the board. Specific qualifications of the executive secretary of the board are removed from statute and the board and the Secretary of Health are directed to determine the minimum qualifications.

Advanced registered nurse practitioners and physician assistants may also supervise licensed practical nurses.

Votes on Final Passage:

Senate	43	0	
House	95	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 28, 1991

SB 5219

C 21 L 91

Changing the limits on liability of common carriers for damage or loss of baggage.

By Senators Patterson, Vognild and Rasmussen; by request of Utilities & Transportation Commission.

Senate Committee on Transportation
House Committee on Transportation

Background: The maximum amount a passenger or shipper may recover for loss or damage to baggage transported by a for-hire bus (auto stage, airporter, excursion, charter) regulated by the Utilities and Transportation Commission is: (1) $200 for each trunk and its contents; (2) $50 for each suitcase, valise or traveling bag and its contents; and (3) $25 for each box, bundle or package. These free baggage allowance limitations were established in 1961.

When a passenger checks his/her baggage with the carrier, the passenger can declare that the baggage has a value in excess of the statutory limitation and pay an additional charge. The rate varies from 50 cents to 75 cents per $100 valuation, depending upon the amount contained in the individual carrier's published tariff.

On the federal level, the ICC's free baggage allowance limitation is $250 per adult fare, unless a higher valuation is declared at the time of delivery to the carrier and an additional fee is paid. The carrier may publish a maximum additional value for which they will be liable, but the maximum value may not be less than $1,000.

Summary: The free baggage allowance limitation is changed from a statutorily fixed amount to an amount set by the Utilities and Transportation Commission. Periodic review and rate adjustment are required of the commission.

Votes on Final Passage:

Senate	48	0
House	91	0

Effective: July 28, 1991

SB 5220

C 46 L 91

Modifying railroad crossing inspection fees.

By Senators Patterson and Vognild; by request of Utilities & Transportation Commission.

Senate Committee on Transportation
House Committee on Transportation

Background: The Utilities and Transportation Commission (UTC) is charged with inspecting log and industrial railroad crossings located within the state that are owned by private railroad companies. The maximum fee for these inspections was statutorily set in 1961 at $10 per inspection.

The UTC estimates that the cost of inspecting the 200 industrial railroad crossings in the state has risen to approximately $25 per inspection.

Summary: The maximum $10 inspection fee for log and industrial grade crossing inspections is changed to an amount determined by the commission. The fee is to be based on the cost of rendering inspection services.

Votes on Final Passage:

Senate	49	0
House	95	0

Effective: July 28, 1991

SB 5221

C 41 L 91

Requiring motor carriers to submit copies of contracts with permit applications.

By Senators Sellar and Snyder; by request of Utilities & Transportation Commission.

Senate Committee on Transportation
House Committee on Transportation

Background: Carriers that transport property for compensation under individual contracts are regulated as contract carriers by the Utilities and Transportation Commission. When a contract carrier applies for operating authority, the original or certified copy of the carrier's transportation service contract(s) must accompany the permit application.

With the accessibility of photocopy machines in today's society, the filing of an original or certified contract is unnecessary.

Summary: A photocopy of each transportation service contract must accompany a contract carrier's permit application for Utilities and Transportation Commission operating authority. The original or certified copy of the contract is no longer required.

Votes on Final Passage:

Senate	44	0	
House	95	0	

Effective: July 28, 1991

SB 5231

C 225 L 91

Providing that examinations not be required for real estate licensees' continuing education.

By Senator McCaslin.

Senate Committee on Commerce & Labor
House Committee on Commerce & Labor

Background: Current law requires real estate brokers and salespersons to complete 30 hours of state-approved continuing education course work every two years as a condition for the renewal of their licenses. Examinations are a required component of state-approved continuing education courses. Brokers and salespersons must pass such examinations to receive credit for the courses taken.

Summary: Examinations are no longer a required component of state-approved continuing education classes for real estate brokers and salespersons. Brokers and salespersons can now receive credit for taking a continuing education class without passing an examination. A person holding a lapsed real estate license may reactivate the license by satisfying the procedures and requirements prescribed by the director of the Department of Licensing.

Votes on Final Passage:

Senate	49	0	
House	95	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 28, 1991

ESSB 5245

C 201 L 91

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

By Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness, Sutherland, Williams, Jesernig, Stratton, Bauer and Conner; by request of Governor Gardner).

Senate Committee on Energy & Utilities
Senate Committee on Ways & Means

Background: Energy usage within Washington consists of many different fuels and energy sources. Although there exist many separate efforts to plan for the future regarding different energy sources, no centralized effort exists to plan for the future of energy usage in context of the overall mix.

Within state government, both the Department of General Administration (GA) and the Washington State Energy Office (WSEO) have duties related to energy consumption in state-owned facilities.

The region will soon need to develop additional sources of electricity generation. Many energy policy planners believe a great potential exists for developing cogeneration, when at least two forms of energy (such as electricity and heat) are generated from the same fuel source. Cogeneration is most effectively applied to larger facilities, including industrial plants, large schools and institutional facilities.

Summary: The Washington State Energy Office (WSEO) is directed to develop a state energy strategy. In developing the strategy, the WSEO is to consult with other state agencies, the Northwest Power Planning Council, the Bonneville Power Administration (BPA), public and investor-owned utilities, the Legislature, other relevant groups, and the public. The energy strategy is to provide a framework in which energy decisions can be evaluated. Guidelines are provided in which to consider the strategy. A final report is due to the Governor and the Legislature by December 1, 1992.

State agencies and school districts are directed to pursue and maintain efficient operation of their facilities related to energy consumption. The WSEO is directed to assist school districts and state agencies on the evaluation, development and financing of conservation projects. The WSEO is to consult with local utilities on any conservation projects and the local utility is to be offered the initial opportunity to participate in the development of any conservation projects. The WSEO is required to annually notify a local utility of the targeted conservation projects located within a utility's service area.

In coordination with affected parties, the WSEO is to facilitate the sale of energy savings at public facilities. Both the WSEO and a state agency or school district must approve a transaction involving the sale of energy savings.

In areas where utilities may be eligible to participate in BPA conservation programs, any negative financial impacts on nongrowing utilities must be considered when the WSEO determines project eligibility.

Schedules for utility participation in conservation projects are specified with provisions for an independent review process if an agreement cannot be reached between the WSEO, the host institution, and the local utility.

A school district or the WSEO with the consent of a state agency or school district may develop and finance conservation at public facilities, contract for energy services, and contract to sell energy savings. State agencies and state universities may contract for third-party development of energy conservation projects at those facilities.

The WSEO may use appropriated moneys to make loans to school districts to provide financing for conservation projects. The WSEO is to determine the eligibility of such projects. If funding is from bond proceeds, the repayments of the loans shall be sufficient to pay the principal and interest on the bonds. State agencies may use financing contracts to provide funding for conservation projects. These projects are subject to eligibility determination by the WSEO.

The WSEO is directed to identify priorities for cogeneration projects at state facilities. Where such projects are initially deemed desirable, the WSEO is to notify the local utility and offer the utility an opportunity to participate in developing the feasibility study for the facility. Specific responsibilities of the utility, the WSEO and state agencies are outlined related to the development of a feasibility study and the potential development of a cogeneration project. The state may own and/or operate a cogeneration project only if the project is determined to be cost-effective.

Cogeneration projects owned by the state are to be sized to the projected thermal load of the state facility. If projects are sized above the thermal load of the facility, legislative appropriation and approval is required. Any such project owned by the state or a third party requires a written agreement with the local utility. Any thermal energy produced by a cogeneration project sold outside the state facility must be sold to a utility.

The WSEO must thoroughly review any proposed sales of cogenerated electricity or steam. The sale must be approved by both the WSEO and the state agency. In making a sale, the WSEO or state agency may not seek any advantage not available to a private citizen. Utilities are not required to wheel electric energy outside of a local utility's service area. The state may not be involved in a cogeneration project unless it can show the arrangement is in the economic interest of the state taking into account several specified factors. An independent review process is outlined for any party to an energy purchase agreement if a decision has been made to disapprove such a proposed agreement.

The WSEO and state agencies or state universities may contract to sell energy produced or generated at state facilities. State agencies or state universities may: develop, own, operate and maintain cogeneration projects at their facilities; lease property for cogeneration project development; contract to purchase the fuel or output of the cogeneration project; and undertake procurements for third-party development of cogeneration projects at their facilities.

The energy efficiency construction account is created in the state treasury, to be managed by the WSEO. Funds in the account may be used on projects related to energy efficiency. Sources of funds for the account include general obligation bonds, project revenue bonds, repayment of loans financed through the capital budget, and other appropriate sources.

The energy efficiency services account is created in the state treasury. The WSEO is directed to use the funds in the account to provide energy efficiency services to public entities. Sources of funds for the account include: project fees charged by the WSEO; after payment of principal and interest obligations, moneys from loans made to school districts for conservation projects; revenue not retained by school districts and state agencies for sales of energy; and any payments made by utilities for projects authorized in this legislation.

Public entities may retain a portion of savings or revenues from energy efficiency of generation projects. On conservation projects, a state host institution may retain all net conservation savings and half of net revenues received from a utility. On generation projects, the host institution may retain half of net savings in reduced energy costs and 20 percent of net revenues generated by the project except institutions of higher education which may retain 50 percent of net revenues.

Public entities are directed to use retained savings or revenues on ongoing maintenance and operations of energy systems, other ongoing or deferred maintenance, and other infrastructure improvements at the facility where the energy efficiency project is located.

The WSEO is to develop guidelines for administering the act and may impose fees on public agencies for reviewing lifecycle cost analysis reports on specific projects.

The WSEO is required to extensively report on activities authorized in this legislation, on an annual basis, until the year 2006. Annual reports from the Office of the Superintendent of Public Instruction are required pertaining to the effects of the act on school districts throughout the state.

Votes on Final Passage:

Senate	40	8
House	97	0

Effective: July 28, 1991

ESSB 5256

PARTIAL VETO

C 226 L 91

Providing franchise investment protection.

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, A. Smith and Newhouse).

Senate Committee on Law & Justice
House Committee on Commerce & Labor
House Committee on Revenue

Background: Franchising is a contractual method for marketing and distributing the goods or services of a company (the franchisor) through a dedicated or restricted network of distributors (franchisees). Under the terms of a franchise contract, a franchisor grants the right and license to a franchisee to market a product or service using the trademark and/or business system developed by the franchisor. The most commonly recognized criteria in the United States for determining whether a business arrangement is a franchise is the Federal Trade Commission 1978 regulatory rule.

The Washington Franchise Investment Protection Act of 1972 regulates franchises in Washington through disclosure requirements, the delineation of rights and prohibited acts, and mandatory registration of offerings, brokers, and agents. The Washington State Bar Association has suggested that the public would be better served if the Washington act conformed more closely to the regulations of the Federal Trade Commission and uniform acts proposed by the North American Securities Administrators Association and the National Conference of Commissioners on Uniform State Laws.

Summary: The Franchise Investment Protection Act is amended. The definition of "franchise" is narrowed. Franchise sales agents working for franchisors or franchise brokers are no longer required to register under the act. Washington franchisors are allowed to offer franchises for sale in other states without registering in this state, unless the offer violates the franchise law of the other state. The disclosure statements specified by the act are eliminated and replaced with a requirement to follow regulations based on the Uniform Franchise Offering Circular adopted by the North American Securities Administrators Association.

Franchisors who give notice to the Department of Licensing that they have a net worth of at least $5,000,000, at least 25 franchisees, and require an initial investment by franchisees of more than $100,000 are exempt from the registration requirements if they pay a filing fee to the department. The fee for filing a notice of claim of exemption is $100 for the original filing and $100 for each annual renewal.

The fee for filing an application for registration on the sale of franchise is $600.

The maximum number of franchises which a small franchisor may grant and be exempt from registration requirements, if there is no advertisement for franchisees, is reduced from nine to three. The buyer from such a small franchisor must now have the advice of a certified public accountant or attorney.

Franchises involving renting or leasing motor vehicles are now subject to the act.

The maximum franchise fee which a franchisor may charge and be exempt from the registration requirement of the act is reduced from $1,500 to $500.

The length of time required between the delivery of a franchise offering circular and the sale of the franchise is expanded from 48 hours to 10 days.

Negotiations of the terms and conditions of a franchise are specifically allowed when initiated by the franchisee.

There is a statute of limitations of one year on actions for failure to register and three years for other actions under the act.

The Director of the Department of Licensing may deny, suspend, or revoke a franchise broker's registration or any exemptions from registration in the case of certain violations or wrongdoing.

Votes on Final Passage:

Senate	41	8	
House	95	0	(House amended)
Senate	39	7	(Senate concurred)

Effective: July 28, 1991

Partial Veto Summary: The section which creates a statute of limitations of one year on actions for failure to register and three years for other actions is deleted. (See VETO MESSAGE)

SSB 5260

C 100 L 91

Regulating certain nonmunicipal water systems.

By Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness, Madsen and Barr; by request of Utilities & Transportation Commission).

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: The jurisdiction of the Utilities and Transportation Commission over water companies is limited to those serving 100 or more customers, or having average annual customer revenues of $300 or more, that otherwise meet the statutory criteria for regulation. In making a jurisdictional decision, the UTC must include all portions of water companies having common ownership, regardless of location or corporate designation. For all jurisdictional systems the commission sets rates, determines operating requirements, enforces standards on quality and quantity, and acts on customer complaints regarding rates and service. The Legislature in 1989 also required the commission to exercise audit and accounting supervision or to initiate a formal complaint against any water system for hire if the commission received an administrative order from the Department of Health or the city or county where the system was located that found the system to be in violation of drinking water system standards adopted by the Board of Health or the Department of Health. The latter provision has not been utilized by either the Department of Health or a local government to invoke commission jurisdiction, and it is unclear to the commission what actions it is to take under the language added in 1989. Its general jurisdictional criteria for water systems have also created problems in determining whether to assert or maintain jurisdiction over water systems whose number of customers and annual revenues may fluctuate.

Summary: Water companies that are subject to Utilities and Transportation Commission regulation cannot be removed from regulation unless the commission approves. Regulated companies whose customer number falls below 100, or whose average annual customer revenues fall below $300, may petition the commission for removal from regulation. The commission may retain jurisdiction over such companies where it finds that the public interest requires it.

In measuring a system's customers or revenues to determine UTC jurisdiction, the commission must include all systems under common control, even if they are not under common ownership. The term "control" is to be defined by the commission and does not include management by a satellite agency as defined in statute if the satellite agency is not an owner of the water company.

The commission's jurisdiction over substandard water systems referred to it by the Department of Health or a city or county is limited to nonmunicipal systems, and only for auditing purposes. The commission is to provide the results of the audit to the requesting party. The number of such companies referred to the commission in any calendar year is not to exceed 20 percent of the total number of companies subject to commission regulation. Companies referred to the commission for such an audit are required to pay a fee in the same amount as the commission requires on an annual basis from its regulated utilities.

The number of customers required to file a complaint against a regulated water company with regard to rates or charges is changed from 25 to either 25 customers or at least 25 percent of the company's customers.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 28, 1991

SSB 5261

C 170 L 91

Requiring new schools to have automatic fire equipment.

By Senate Committee on Education (originally sponsored by Senators Bailey, Vognild, McMullen, Newhouse, Madsen, Oke, Rinehart and Conner).

Senate Committee on Education
House Committee on Education
House Committee on Capital Facilities & Financing

Background: During the past decade, fires have caused over $10 million worth of damage to public school facilities in the state. Currently, the State Building Code requires that schools have sprinkler systems only in enclosed spaces below stairways and in basements larger than 1500 square feet. In addition, four counties, King, Kitsap, Thurston and Clark, require sprinklers in all buildings larger than a specified size of 10,000 to 12,000 square feet.

Summary: The Building Code Council shall adopt rules by December 1, 1991, requiring all school buildings constructed after July 1, 1992, except portable classrooms, to be provided with an automatic fire-extinguishing system.

The council shall ensure the proposed rules are reviewed by the Superintendent of Public Instruction, the State Board of Education, and the Fire Protection Policy Board.

Authority for school construction standards regarding fire safety is transferred from the Director of Fire Safety to the State Building Code Council.

Votes on Final Passage:

Senate	45	0	
House	95	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 28, 1991

SB 5264

C 179 L 91

Authorizing the department of natural resources to establish a program in community and urban forestry.

By Senators Oke, Bailey, Rinehart, Stratton and Bauer.

Senate Committee on Environment & Natural Resources
House Committee on Natural Resources & Parks

Background: Urban forestry relates to all trees including those in parks, greenbelts, and along streets. Many Washington urban areas have significant forested lands which need to be managed. Urban forestry improves real estate values, creates better air quality and improves the quality of life. Wildlife is also helped and large wildlife species exist in many urban settings. The urban forest has a positive effect on tourism and a city's visual impact. The development of greenbelts, urban paths and recreation areas would be enhanced by a cooperative state/local urban forestry program.

The Department of Natural Resources has supported the growth of community and urban forestry efforts with the aid of a $35,000 federal grant from the USDA Forest Service last biennium. Limited financial assistance for urban forestry projects has been provided to municipalities.

Communities are addressing the impact of growth as it relates to community forest programs and are seeking to maintain the character of their community and the "Evergreen State." The department does not have a state funded community and urban forestry program but increasingly communities are requesting technical assistance.

The department has been asked by local governments to take a leadership role in coordinating the efforts of both the public and private sectors involved in community forestry by providing the technical assistance needed to insure the retention and enhancement of community forests. The President's tree initiative, "America the Beautiful," has been supported by Congress and Washington State's federal grant for community forestry will increase to approximately $220,000 for the 1991-93 biennium. As a condition of the federal grant, the department is required to develop a community forestry program that will include an advisory council, a volunteer component, a program coordinator and an assessment of community forestry tree resources.

The state and local governments will provide state funds and in-kind services to match federal funds in the future.

Summary: The Department of Natural Resources may establish and maintain a community and urban forestry program. The department will advise, encourage and assist municipalities, counties and other public and private entities in the development of community and urban forestry programs.

The department may support the development of cooperative projects among the public and private sectors that are directed at tree planting, education, research, nursery tree improvement, and urban fishery/wildlife projects, as well as other projects that involve the establishment, maintenance and protection of community and urban forests.

Financial and technical assistance is made available to municipalities, counties and others. The department is authorized to receive and disburse federal monies as well as donations from other public and private sources.

Votes on Final Passage:

Senate	43	2	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 28, 1991

SSB 5266

C 293 L 91

Restructuring penalties for driving while suspended.

By Senate Committee on Law & Justice (originally sponsored by Senators Thorsness, McMullen, Owen and A. Smith).

Senate Committee on Law & Justice
House Committee on Judiciary

Background: State law contains a variety of crimes related to driving without a license. These crimes vary both as to the way in which they may be committed

and as to the way they may be punished. Generally, punishments are more severe for repeat offenders, and for offenders who are driving while they have already had their licenses suspended or revoked for previous offenses.

A task force of judges, prosecutors, defense attorneys, the State Patrol and the Department of Licensing has recommended some restructuring of the statutes relating to driving without a license.

Summary: The crime of driving with a suspended or revoked license is restructured into three degrees.

The first-degree crime is a gross misdemeanor with mandatory minimum penalties that escalate with repeat offenses and that may not be suspended or deferred. The crime involves driving without a license when the driver has already been found to be an habitual offender.

The second-degree crime is also a gross misdemeanor, but without the mandatory minimum penalties of the first-degree crime. This degree of the crime involves driving while a license has been suspended or revoked for various offenses, other than being found to be an habitual offender. This degree does not cover instances in which a driver is apprehended after the period of suspension or revocation has passed but before the driver's license has been reinstated.

The third-degree crime is a misdemeanor without mandatory minimum penalties. This degree of the crime involves driving without a license following a period of suspension or revocation but before the driver has had his or her license reinstated. The department may not extend the license suspension period for this offense.

Votes on Final Passage:

Senate	43	2	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House	96	0	(House receded)

Effective: July 28, 1991
April 1, 1992 (Section 9)

SSB 5276

C 20 L 91

Requiring notice for impounded vehicle disposition.

By Senate Committee on Transportation (originally sponsored by Senators Nelson, Moore, Thorsness and Oke).

Senate Committee on Transportation
House Committee on Transportation

Background: Any vehicle impounded by a registered tow truck operator is considered an impound. A tow truck operator who impounds a vehicle is responsible for notifying the legal and registered owners. A registered owner who has completed a seller's report is relieved of liability of future claims against that vehicle.

Summary: Current statutory language relating to law enforcement release of vehicle owner information to a registered tow truck operator is revised. The term "immediately" is changed to within 6-12 hours of the impound.

Language is clarified on the filing of a seller's report to ensure that someone who has lawfully filed a seller's report is not liable for towing and storage fees.

Votes on Final Passage:

Senate	46	0
House	92	0

Effective: July 28, 1991

SSB 5288

C 56 L 91

Renaming the state portion of Interstate 90 the American Veterans Memorial Highway.

By Senate Committee on Transportation (originally sponsored by Senators Rasmussen, Thorsness, Patterson, McMullen, Oke and Skratek).

Senate Committee on Transportation
House Committee on Transportation

Background: Interstate 90 (I-90) is a highway that spans 13 states and reaches from Boston to Seattle. The American Veterans' Coalition, seeking to establish a living memorial and tribute to the veterans of all wars, has requested that legislation be passed by all states in the I-90 chain renaming the portion of I-90 in each state the American Veterans' Memorial Highway. Such legislation has already been passed in the states of Ohio, Indiana, Illinois, New York, Minnesota, Massachusetts, Pennsylvania, South Dakota, and Wisconsin.

Summary: State Route 90, beginning at a junction with State Route No. 5, via the west approach to the Lake Washington bridge in Seattle, in an easterly direction by way of Mercer Island, North Bend, Snoqualmie Pass, Ellensburg, Vantage, Moses Lake, Ritzville, Sprague and Spokane to the Washington-Idaho boundary line is designated the American Veterans' Memorial Highway.

Votes on Final Passage:

Senate	44	0
House	95	0

Effective: July 28, 1991

SB 5290

C 73 L 91

Defining resident for purposes of obtaining a valid driver's license.

By Senator Patterson.

Senate Committee on Transportation
House Committee on Commerce & Labor

Background: Current statute provides that when a person becomes a Washington resident he or she has 30 days to license any vehicles but he or she must obtain a driver's license immediately.

The definition of resident is currently in the Washington Administrative Code (WAC).

Summary: A new Washington resident is allowed 30 days from the time he or she first becomes a resident to obtain a Washington driver's license.

The definition of resident, as it is currently in the Washington Administrative Code, is brought into statute.

Votes on Final Passage:

Senate	43	0
House	97	0

Effective: July 28, 1991

SSB 5295

C 241 L 91

Requiring identification on big trucks.

By Senate Committee on Transportation (originally sponsored by Senators Conner, Patterson, Stratton and Nelson).

Senate Committee on Transportation
House Committee on Transportation

Background: Trucks operating in the state of Washington are required to display certain identification markings. By law, trucks over 10,000 pounds are required to display the licensed gross weight on the cab in letters not less than two inches high.

By administrative rule, the Utilities and Transportation Commission (UTC) requires intrastate common and contract carriers to display the company's name and operating authority permit number on the vehicle in letters three inches high. All interstate common, contract and private carriers are required by the Interstate Commerce Commission (ICC) to display the company name and address on the vehicle. Intrastate private carriers are subject only to the licensed gross weight marking.

Each year common and contract carriers registered with the UTC are required to purchase an identification stamp which indicates that the vehicle's annual registration fees have been paid. The identification stamp fee is currently $3. This fee has not been raised since 1967. By federal law a state may charge up to $10 for the annual identification stamp.

Summary: Common, contract and private carriers, other than UTC exempt carriers and private carriers with a licensed gross weight of less than 36,000 pounds, must display an identifying name and/or number on both doors of the power unit. The identification must be permanent. Any required identification that is added, modified or renewed after September 1, 1991 must be located on the driver and passenger doors. Intrastate carriers whose existing markings are in locations other than the doors of the power unit are not required to relocate their identification until certain modifications are made. Leased carriers may display a placard instead of permanent markings.

For common and contract carriers the identification is the name of the permittee or business name, and (1) the UTC permit number if the carrier is an intrastate carrier, or (2) the ICC certificate or UTC permit number if the carrier engages in interstate commerce. For a private carrier with a licensed gross weight of 36,000 pounds or more, the identification is the name and address of the business operating the truck or the registered owner.

UTC exempt carriers include U.S. mail carriers, publicly-owned vehicles, farm vehicles, towing vehicles and vehicles weighing less than 8,000 pounds transporting legal documents.

The UTC annual identification stamp fee for common and contract carriers registered with the commission is raised to the federal maximum of $10.

Votes on Final Passage:

Senate	40	9	
House	95	0	(House amended)
Senate	31	14	(Senate concurred)

Effective: July 28, 1991

SSB 5301

C 331 L 91

Authorizing certain cities and counties bordering the Pacific Ocean to levy a special excise tax to provide funding for public facilities.

By Senate Committee on Governmental Operations (originally sponsored by Senators Snyder and Conner).

Senate Committee on Governmental Operations
House Committee on Local Government
House Committee on Revenue

Background: There is a general authorization for cities and counties to levy a special excise tax of up to 2 percent on the sale of hotel and motel space to help finance convention center and stadium facilities. If the county or city passes an ordinance to levy such a tax, the state sales tax on transient lodging is reduced from 6.5 percent to 4.5 percent, and the proceeds distributed to the respective county or city.

Some special exceptions have been authorized for a hotel/motel tax in Pierce County, Ocean Shores and Bellevue, which do not entail an offset against the state sales tax. It has been suggested that a similar levy could contribute to tourism and economic development efforts in tourist attraction areas in Pacific County and Long Beach.

Summary: The legislative body of a city bordering on the Pacific Ocean with a population of no less than 1,000 may levy a special excise tax of up to 3 percent on sales of transient housing. The county in which such a city is located is also authorized to levy a similar tax. The special authorization for a similar tax for Ocean Shores is repealed.

Votes on Final Passage:

Senate	35	9	
House	77	20	(House amended)
Senate			(Senate refused to concur)
House	96	0	(House receded)

Effective: July 28, 1991

ESB 5311

C 45 L 91

Exempting bare-boat charter boats from the provisions of the charter boat safety act.

By Senators McMullen, Nelson, Moore and Vognild.

Senate Committee on Transportation
House Committee on Transportation

Background: Under the 1989 Charter Boat Safety Act, vessels which are rented, leased, or hired to transport more than six passengers or cargo on the state's inland waters must be licensed and inspected by the Department of Labor and Industries.

Vessels used only for the owner's personal pleasure; vessels donated to and used by a nonprofit organization to transport passengers for charitable or noncommercial purposes; bare-boat charters that are rented, leased, or hired by an operator to transport passengers for noncommercial or personal pleasure purposes; or vessels used for educational purposes are exempt from regulation.

The department, in implementing the act, has required the inspection of bare-boat charters if: cargo is hauled; more than six passengers are transported for a fee or other consideration; or the vessel is used for commercial purposes. Some bare-boat charter operators contend these distinctions are inappropriate, and go beyond the intent of the statutory exemption for bare-boat charters.

Summary: A bare-boat charter is defined as the unconditional lease, rental or charter of a boat by the owner or the owner's agent to a person who, by written agreement, except when a captain or crew is required or provided by the owner or the owner's agent, assumes all responsibility and liability for the operation, navigation, and provisioning of the boat during the term of the agreement.

Bare-boat charters are specifically exempt from regulation under the Charter Boat Safety Act.

Votes on Final Passage:

Senate	44	0
House	92	0

Effective: July 28, 1991

SSB 5322

C 139 L 91

Permitting emergency exemptions from building codes.

By Senate Committee on Commerce & Labor (originally sponsored by Senators Conner, Rasmussen, Snyder, Pelz and McCaslin).

Senate Committee on Commerce & Labor
House Committee on Housing

Background: Vacant buildings occasionally become available that could be converted into emergency shelters or transitional housing of some type. Under current law such use can occur only if the buildings are brought in compliance with the State Building Code, and local variations, relating to residential occupancy.

Summary: Local government legislative authorities are allowed to exempt certain buildings from State Building Code requirements whose use or occupancy has been changed in order to provide shelter and housing for homeless people.

The exemption must be limited to existing buildings and resulting code deficiencies must pose no threat to human life, safety, or health. The building must be owned or administered by a public agency or nonprofit corporation. The exemption is limited to a five-year duration, but can be renewed by the same procedure. The State Building Code Council is required to adopt guide-

lines for cities and counties who wish to exempt buildings.

Votes on Final Passage:

Senate	44	3
House	87	0

Effective: July 28, 1991

SSB 5332

C 204 L 91

Providing residential care for disabled persons.

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Wojahn, West, Niemi, L. Smith, Madsen, Rasmussen, Snyder, Gaspard, Moore and Bauer).

Senate Committee on Health & Long-Term Care
House Committee on Capital Facilities & Financing

Background: Over the past 30 years, Washington State has chosen, where possible, to emphasize community-based care over institutional care for disabled people. Currently, institutional land and buildings that become vacant due to this policy are rented by other users. Often, the only charges assessed to these tenants are the costs of the utilities that they use.

Lands devoted to the care of the mentally ill and disabled are defined as including lands where state-owned residential treatment facilities (institutions) are sited. The majority of this land (3,513 acres) is managed by the Department of Social and Health Services (DSHS). Lands at Northern State Hospital (1,075 acres) are managed by the Department of General Administration (DGA) and the Department of Natural Resources (DNR). Two nursing homes for veterans are run by the state Department of Veterans Affairs, and the Schools for the Deaf and for the Blind are operated by separate boards of trustees.

Other lands held in trust for the mentally ill and disabled include lands managed by DNR in the Charitable, Educational, Penal and Reformatory Institutions (CEP & RI) trust account. These lands were earmarked by the federal government at statehood for the support of these institutions. The CEP & RI trust currently contains 72,840 acres. DNR has traded land over the years, maintaining the value of the trust but not necessarily the acreage.

Washington courts have ruled that DNR must be compensated whenever grant lands are put to a use for which they were not originally intended. Historically, income from the CEP & RI trust has been used to maintain capital facilities at state institutions.

Summary: Every five years DSHS and other state agencies that operate institutions must conduct an inventory of all real property not needed for resident care. The department must report the results of the inventory to the House of Representatives Committee on Capital Facilities and Financing, the Senate Committee on Ways and Means, and the Legislative Budget Committee.

Real property identified as not needed for state-provided residential care, custody, or treatment must be transferred to the CEP & RI account. DNR, in consultation with DSHS, shall manage all property in the CEP & RI account.

The Low-Income Housing Assistance Advisory Committee is to advise the Director of the Department of Community Development on the housing needs of persons who are mentally ill or developmentally disabled or youth who are disabled. All advice from the committee must be consistent with policies and plans developed by the regional support networks and the developmental disabilities planning council.

If feasible, not less than one-half of all income to the CEP & RI account must be appropriated for the purpose of providing housing, including repair and renovation of state institutions, for persons who are mentally ill, developmentally disabled, or youth who are disabled. If moneys are appropriated for community housing, they must be appropriated to the housing assistance program in the Department of Community Development.

DNR must make every effort to lease CEP & RI land in urban or suburban areas that have a potential for commercial or residential development. Income from these leases must be deposited to the CEP & RI account. The Legislature must give first priority to appropriating one-half of the income from these leases to provide community housing for persons who are mentally ill, developmentally disabled, or youth who are disabled.

The Department of Natural Resources (DNR) is authorized to purchase, sell or trade urban and suburban land in the CEP & RI trust for other land if a greater return can be realized. DNR must report such actions to the Legislature.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: May 16, 1991

2SSB 5341

C 283 L 91

Providing liability insurance to foster parents.

By Senate Committee on Ways & Means (originally sponsored by Senators L. Kreidler, Bailey, Murray, Talmadge, Stratton and Bauer).

Senate Committee on Financial Institutions & Insurance
Senate Committee on Ways & Means
House Committee on Human Services

Background: According to the Foster Parent Liability Task Force study conducted in 1989, there are 6,100 licensed foster homes in the state. They serve a population of children placed for long term, short term and treatment based care. Until 1985, the state purchased commercial insurance for foster parents at an annual cost of between $73,400 to $87,054. In 1986, due to an increase in cost ($137,700), and only one available carrier, the coverage was cancelled. The Department of Social and Health Services (DSHS) began to provide coverage under the Foster Parent Reimbursement Plan for property damage or loss and initial emergency medical treatment. The limits are $5,000 per occurrence. Under a 1989 law the Attorney General will provide a defense, but the act did not provide for payment of judgments against foster parents.

Claims for personal injury liability may be covered by homeowners' policies, although common exclusions apply to severely limit coverage for claims arising out of the foster parent experience. The carriers serving the homeowners market reported no plans to extend coverage to foster parent related claims.

Several states have taken steps to provide insurance coverage for foster parents either through the purchase of a group commercial policy, assessment of insurers doing business in the state to fund a pool, or a self-insurance program. Under these state programs, foster homes are typically afforded $300,000 per occurrence annual coverage. Two commercial carriers reported to the task force that they would make coverage available to the state for an annual premium of approximately $315,000 but the foster parents report the coverage is not broad enough.

Summary: The Legislature recognizes that foster parents take unique liability risks caring for foster children that may prevent some people from serving as foster parents. Assuring insurance to cover those risks may encourage more people to serve.

The state is required to provide foster parents with liability insurance for their acts or the acts of their foster children through either the purchase of commercial coverage or self-insurance at a cost of up to $500,000 per biennium. This ceiling includes staffing and administrative costs. The existing foster parent reimbursement plan for emergency medical care and for property damage is not affected. Foster parent liability for the willful or malicious acts of their foster children is made identical to natural/adoptive parents.

If the Secretary of DSHS opts to self-insure, he or she may set an upper limit to claims paid. The act is contingent upon funding in the budget.

Votes on Final Passage:

Senate	48	0	
House	98	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 1, 1991

SSB 5357

C 18 L 91

Directing that criteria be established designating individuals or water purveyors as satellite system management agencies.

By Senate Committee on Energy & Utilities (originally sponsored by Senators Barr and Madsen; by request of Jnt Sel Com on Water Resource Policy).

Senate Committee on Energy & Utilities
House Committee on Natural Resources & Parks

Background: Under the Public Water System Coordination Act of 1977, certain areas in the state have been declared "critical water supply service areas" because of either a proliferation of inadequate small systems or water supply problems that threaten reliability or quality. Within those areas, the Department of Health, local governments, and water purveyors have developed coordinated water plans. Those plans designate service territories for the water utilities in those areas. Within those service territories, no new purveyors of public water supplies are to be permitted unless the existing utility is unable to supply water. This coordinated planning has led to a "satellite management" system, where existing larger purveyors either own or operate water systems in their service territory that are not physically connected to their system. It is the view of many professionals in the drinking water field that this approach has provided better operation and management of water supplies in these critical water supply service areas, and that such a program, even on an optional basis, would have value in areas of the state that have not been determined to be critical areas.

Summary: The Department of Health is required to adopt rules under the Administrative Procedure Act establishing criteria for designating individuals or water purveyors as qualified satellite system management

agencies. "Satellite system management agencies" and "satellite agencies" are defined as persons or entities certified by the Secretary of Health to own or operate more than one public water system on a regional or county basis, without the necessity for a physical connection between them. The certification by the department is for either ownership or operation, or for both, of an existing or proposed water system. The criteria are to include financial integrity and operational capability. The Department of Health shall approve satellite management agencies that meet the adopted criteria.

Each county is to identify potential satellite agencies to the Department of Health for areas where no purveyor has been designated under coordinated water plans, or where an existing purveyor is unable or unwilling to provide the service. A preference is to be given by the counties to public utilities or public utility districts or investor-owned utilities subject to UTC jurisdiction. Prior to construction of a new system, the person proposing it is to be directed by the local agency responsible for issuing the construction or building permit to one or more qualified satellite agencies designated for that service area for the purpose of exploring the possibility of a satellite agency either owning or operating the proposed new system.

The department is to periodically review satellite agencies' continuing compliance with the established criteria. It may reapprove the agencies not less than once every five years. The department may assess reasonable fees to cover the application for approval, and the fees are to be placed in a separate account subject to allotment under statute for administration of the program.

Votes on Final Passage:

Senate	46	0
House	98	0

Effective: July 28, 1991

2SSB 5358

C 350 L 91

Providing for exchanges of water through interties.

By Senate Committee on Ways & Means (originally sponsored by Senators Barr and Madsen; by request of Jnt Sel Com on Water Resource Policy).

Senate Committee on Agriculture & Water Resources
Senate Committee on Ways & Means
House Committee on Natural Resources & Parks

Background: Interties are interconnections between existing public water systems permitting exchange of water between those systems on an intermittent or permanent basis. Interties are used by water utilities for various purposes. They can serve as the primary supply source or as the backup supply source during shortages due to system problems. In addition, interties can be used as permanent supply sources to augment existing supplies, or they can be used to recharge groundwater supplies by importing water through an intertie.

Interties have been increasingly used by larger water utilities and water utilities in areas of rapid growth to ensure a reliable, safe supply of drinking water. Interties have been encouraged by the Department of Health when reliability, efficiency, and safety of supply can be advanced. The Department of Health reviews intertie proposals for technical sufficiency and to ensure that desired outcomes are achieved. There is no specific process for public review of intertie proposals or review by the Department of Ecology for assessment of potential impacts on existing water rights.

The increasing use of interties has raised some issues concerning their legality under current water law. Water rights are granted through a permitting process which includes designation of the geographic area the water will be used. Exchange of water outside the specific parameters for place of use may be an expansion of the water right.

Summary: The Legislature finds that it is in the public interest to recognize existing interties and to modify associated water rights to reflect current use. Interties are defined as interconnections between water systems permitting exchange or delivery of water between those systems.

Public water systems are to provide notice of interties existing and in use as of January 1, 1991 to the Departments of Health and Ecology prior to June 30, 1996. If the intertie is part of a state approved plan and if no outstanding complaints were filed prior to September 1, 1991, the Department of Ecology must modify the water right to reflect the place of use through the intertie.

Interties commencing use after January 1, 1991 must be consistent with regional water system plans. Proposals for future interties must be incorporated into water system plans under Chapter 43.20 RCW or coordinated water system plans under Chapter 70.116 RCW. The Department of Health is responsible for review and approval, except for water right considerations which are the responsibility of the Department of Ecology.

If the Department of Health determines a proposed intertie is necessary to address emergent public health or safety concerns, an expedited process occurs for the Department of Ecology to determine if existing water rights are impaired. If it is not necessary to address public health or safety, the normal water right modification process applies. The Department of Health may approve intertie proposals prior to modification of the

water right, but construction work may not begin until the water right is modified.

The Departments of Health and Ecology must coordinate approval procedures for interties.

The bill is contingent on funding in the budget.

Votes on Final Passage:

Senate	48	0	
House	98	0	(House amended)
Senate	43	0	(Senate concurred)

Effective: July 28, 1991

SSB 5359

C 278 L 91

Allowing the transfer of certain retirement credits from out-of-state teacher retirement plans.

By Senate Committee on Ways & Means (originally sponsored by Senators Craswell, Conner, Rinehart, Gaspard, Murray, Bailey and Bauer).

Senate Committee on Ways & Means
House Committee on Appropriations

Background: Neither Plan I nor Plan II of the Teachers' Retirement System (TRS) allows service credit for credit earned as a teacher in out-of-state retirement systems prior to becoming a teacher in this state.

TRS Plan I members may retire at any age once they have 30 years of service credit, at age 55 if they have 25 years of service credit, or at age 60 if they have five years of service credit. Upon retiring, Plan I members may withdraw all retirement contributions they have made.

TRS Plan II members may retire at age 55 if they have 20 years of service, or at age 65 if they have five years of service. Plan II members who retire before age 65, however, have their benefit actuarially reduced.

Summary: Service in an out-of-state teachers' public school retirement system may be used in determining the age at which a member of the Teachers' Retirement System may retire. The benefit a member receives will be actuarially reduced to take into account the difference between the age the member would have been able to retire and the actual retirement age.

Any teacher may purchase additional benefits by making a contribution to an annuity fund. The contribution shall be actuarially converted into a monthly benefit at the time of retirement. The member must pay all administrative and clerical costs.

Votes on Final Passage:

Senate	49	0	
House	92	5	

Effective: May 20, 1991

ESSB 5363

C 93 L 91

Providing for an administrative process for legal financial obligations.

By Senate Committee on Law & Justice (originally sponsored by Senators Thorsness, Rasmussen, Nelson, Newhouse, Hayner, Madsen, A. Smith, Erwin and L. Kreidler; by request of Department of Corrections).

Senate Committee on Law & Justice
House Committee on Human Services

Background: Legal financial obligation (LFO) refers to the restitution, fines, court costs, or any other financial obligation, other than supervision fees, that has been imposed on a person as part of his or her sentence by the court. Currently, the Department of Corrections oversees the collection of legal financial obligations and may seek court-ordered authority to acquire wage assignments.

A successful process for sending an order of notice of payroll deduction and order to withhold and deliver has been implemented by the Department of Social and Health Services (DSHS) as part of its support enforcement program. It is suggested that a similar procedure be adopted for the Department of Corrections.

Summary: The administrative process for collecting legal financial obligations is modified and streamlined. The Department of Corrections is given the authority to establish the offender legal financial obligation payment schedule if the court fails to set the schedule. If the Department of Corrections sets the payment schedule, the department will be allowed to modify the payment schedule without the matter having to be returned to the court.

The department is also given the ability to issue notice of offender payroll deductions any time after the offender's legal financial obligation payment is more than 30 days late, or immediately, if the court orders its issuance during the time of sentencing.

The Department of Corrections is given authorization to issue orders to withhold and deliver offender property of any kind, when a court-ordered legal financial obligation is due. The department is also allowed to issue a notice of debt in order to endorse and collect a court-ordered legal financial debt. This notice of debt can be provided through either a notice of payroll deduction or an order to withhold and deliver.

Restitution to a victim must be satisfied first out of an offender's monthly payment. The remainder of the payment may then be distributed proportionally among all other fines, costs, and assessments.

All offenders are required to pay for their cost of incarceration at a rate of $50 per day if the court deter-

mines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration. Payment of all other court-ordered financial obligations, however, shall take precedence over the payment of the cost of incarceration ordered by the court. Funds recovered from offenders will go to the county if an offender is incarcerated in a jail or to the Department of Corrections if the offender is incarcerated in a prison.

Votes on Final Passage:

Senate	46	0	
House	95	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: May 9, 1991

SB 5367

C 148 L 91

Concerning the transport of recovered materials.

By Senators Patterson, Sellar, Owen and Snyder.

Senate Committee on Transportation
Senate Committee on Transportation

Background: Legislation was enacted in 1990 that exempted certain movements of "recovered materials" by motor freight carriers from rate regulation by the Utilities and Transportation Commission (UTC), and allowed the carriers to qualify under the UTC's more relaxed entry standard of Fit, Willing & Able.

"Recovered materials" are materials collected for recycling or reuse, such as paper, glass, aluminum, plastics, used wood, metals, yard waste, used oil and tires that would otherwise be transported to a disposal or incineration site. Wood waste generated by a logging, chipping, or milling activity is not a recovered material.

The transportation of recovered materials from a site generating a minimum of 10,000 tons of material per year to a reprocessing facility or an end-use manufacturing site is one type of movement that is exempt from rate regulation. The state's large generators are not capable of producing 10,000 tons of recovered materials annually from a single site.

Summary: Large generators of recyclable materials are allowed to produce the annual minimum of 10,000 tons of recovered materials at one or more sites operated by the generator.

Votes on Final Passage:

Senate	46	0
House	91	2

Effective: July 28, 1991

SSB 5374

C 172 L 91

Establishing the industrial insurance labor-management cooperation program.

By Senate Committee on Ways & Means (originally sponsored by Senators Anderson, Newhouse, Vognild, West, Conner and Thorsness).

Senate Committee on Commerce & Labor
Senate Committee on Ways & Means
House Committee on Commerce & Labor
House Committee on Appropriations

Background: In a rapidly changing economy, cooperation between labor and management is viewed as increasingly crucial to an area's economic health. The United States Department of Labor is making a concerted effort to foster better labor-management relations throughout the country.

Some states, and some areas in Washington State, have formal labor-management cooperation mechanisms in place that have reported successes.

Industrial insurance may be an area for which labor-management committees are particularly suited. Such committees in other states, including Oregon, have allowed labor and management to jointly and effectively address local industrial insurance concerns.

Summary: The industrial insurance labor-management cooperation program is established in the Department of Labor and Industries. It will promote and assist the establishment of local industrial insurance labor-management committees, gather and disseminate information on industrial insurance and relevant issues to be addressed by local committees, and carry-out educational activities to promote labor-management cooperation.

The program coordinator appointed by the director of the department reports quarterly to the workers' compensation advisory committee on the program.

The director of the department reports annually to the Legislature on the program.

The program terminates June 30, 1992 unless otherwise extended.

The bill is contingent upon funding in the Omnibus Budget Act.

Votes on Final Passage:

Senate	47	2
House	95	0

Effective: July 28, 1991

SSB 5381

C 47 L 91

Allowing a veterinarian to dispense legend drugs prescribed by another veterinarian.

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators West, Gaspard, Bailey, Hansen, Bauer and L. Smith).

Senate Committee on Health & Long-Term Care
House Committee on Agriculture & Rural Development

Background: The state Board of Pharmacy currently prohibits one Washington licensed veterinarian from filling a legend drug prescribed by another Washington licensed veterinarian. The board considers this activity the practice of pharmacy. A veterinarian must personally examine the animal before prescribing any legend drug. While consumers may have the option of having the prescription filled at a licensed pharmacy, many pharmacies often do not stock the types of animal treatment drugs involved. If a consumer is unable to return to the original veterinarian who wrote the prescription, he or she must have the animal reexamined by a second veterinarian who can then prescribe the legend drug. This second examination adds to the cost of treating the animal.

Summary: Veterinarians are permitted to fill prescriptions for legend drugs issued by another veterinarian. The dispensing of such drugs shall be limited to no more than 5 percent of the total proportion of dosage units dispensed annually by the dispensing veterinarian. Veterinarian legend drugs are defined. The dispensing veterinarian is required to maintain records of these dispensing activities.

Votes on Final Passage:

Senate	46	0
House	93	0

Effective: July 28, 1991

SSB 5383

C 15 L 91

Regarding the administration of prevailing wages.

By Senate Committee on Commerce & Labor (originally sponsored by Senators Hansen, Snyder, Matson, Barr and Skratek).

Senate Committee on Commerce & Labor
House Committee on Commerce & Labor

Background: Before payment can be made on any public works contract, the contractor and every subcontractor must complete a statement of intent to pay prevailing wages. The statement must be approved by the Department of Labor and Industries and then submitted to the awarding agency.

Following final acceptance of the project, the contractor and every subcontractor must complete an affidavit of wages paid before any retained funds are released. The affidavit must be approved by the Department of Labor and Industries and then submitted to the awarding agency.

On small public works projects, this process reportedly causes unreasonable delays in the payment of contractors.

Summary: For public works projects of $2,500 or less, an awarding agency may authorize the contractor or subcontractor to submit the statement of intent to pay prevailing wages directly to it, without approval of the Department of Labor and Industries. The statements are to be retained for at least three years.

Upon final acceptance of the public works project of $2,500 or less, the contractor or subcontractor is to submit an affidavit of wages paid to the awarding agency. Upon receipt of the affidavit, the awarding agency may pay the contractor or subcontractor in full. Within 30 days of receipt, the awarding agency is to submit the affidavit to the department for approval.

Statements of intent and affidavits of wages paid are to be on forms approved by the department.

In the event of a wage claim and a finding for the claimant, where the awarding agency has used the alternative approval process provided, the awarding agency is to pay wages due directly to the claimant. The awarding agency may then seek reimbursement from and debar the contractor for up to one year if the contractor did not pay the wages stated in the affidavit of wages paid.

An awarding agency may not subdivide public works contracts of more than $2,500 in order to circumvent the law.

Votes on Final Passage:

Senate	46	0
House	93	0

Effective: July 28, 1991

SB 5391

C 48 L 91

Authorizing the utilities and transportation commission to appoint persons to do emergency adjudications.

By Senators Thorsness, Sutherland and Stratton; by request of Utilities & Transportation Commission.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: The Administrative Procedure Act establishes uniform procedures for state administrative agencies in such activities as rulemaking and adjudications. The Office of Administrative Hearings was created in 1982 to provide administrative law judges, at agency request, to preside over administrative hearings conducted under the APA. Specific provisions in the APA authorize emergency adjudicative proceedings and the issuance of emergency orders by an agency in situations that involve an immediate danger to the public health, safety, and welfare.

The Utilities and Transportation Commission is authorized by statute to request the appointment of an administrative law judge to conduct certain proceedings on behalf of the commission. That authority does not include the ability to designate an administrative law judge, or any other person, to conduct emergency adjudicative proceedings or issue emergency orders when the full commission is not able to do so.

Summary: The Utilities and Transportation Commission's authority is amended to permit the commission to designate persons to preside and enter final orders in emergency adjudications under the Administrative Procedure Act.

Votes on Final Passage:

Senate	46	0	
House	87	0	

Effective: July 28, 1991

2ESSB 5395

C 2 L 91 E1

Making supplemental appropriations for the 1989-91 biennium.

By Senate Committee on Ways & Means (originally sponsored by Senators McDonald, Niemi, Conner, Rasmussen, Bauer and Erwin; by request of Governor Gardner).

Senate Committee on Ways & Means
House Committee on Appropriations

Background: Expenditures of money for the operating expenses of the agencies and institutions of state government are authorized by the Legislature for fiscal periods of two years, beginning July 1 in odd-numbered years. Periodically during the biennium, supplemental appropriations are made. The operating budget for the 1989-91 fiscal biennium was adopted by the 1989 Legislature. Supplemental appropriations were made during the 1990 session.

Summary: Supplemental appropriations from the state general fund and other special funds and accounts are made for the operating expenses of state government for the fiscal year beginning July 1, 1991 and ending June 30, 1993.

Appropriation: $36.1 million (of which $26.6 million is from the state general fund).

Votes on Final Passage:

Senate	44	0	
House	93	5	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
First Special Session			
Senate	47	0	
House	83	0	

Effective: June 14, 1991

ESSB 5411

PARTIAL VETO

C 322 L 91

Making changes relating to flood damage.

By Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Bailey, Anderson, Hansen, Barr, McMullen, Conner and Skratek).

Senate Committee on Agriculture & Water Resources
House Committee on Natural Resources & Parks

Background: The protection of public health and safety is a fundamental duty of government. The people of Washington that live near rivers must take measures necessary to protect themselves from the dangers associated with flooding. In recognition of this need, the legislature has passed a number of laws authorizing various flood protection activities. But, concern has been raised that these protections are inadequate due in part to the lack of a coordinated state flood control policy which often makes it difficult to obtain the necessary permits. For example, flood protection projects often require permits under statutes which do not include flood control among their goals or considerations.

Nineteen counties were declared federal disaster areas following flooding in November which resulted in millions of dollars in damages. Many counties, such as King, Pierce, Thurston, Grays Harbor, and Lewis have been declared federal disaster areas seven or eight times since 1978.

Summary: Counties may adopt a comprehensive flood control management plan for any drainage basin located wholly or partially within the county. The plan is mandatory throughout the basin. Those portions of the plan relating to land use restrictions and construction stand-

ards are minimum standards that a city or town may exceed.

The plan must include: designation of areas susceptible to flooding; a comprehensive scheme of flood control improvements; land use regulations precluding the location of structures in the floodway; construction restrictions within the floodway; and restrictions on land clearing activities which exacerbate flood problems. Land clearing activities do not include forest practices.

A comprehensive scheme of flood control improvements must: determine the need for, and location of, flood control improvements based on a cost/benefit analysis; establish a level of permissible flood protection for flood control improvements; identify alternatives to in-stream flood control work; target areas where flood waters could be directed during a flood to avoid damage to structures; and identify a source of revenue for the scheme and the improvements.

Counties may establish advisory committees to participate in the preparation of a comprehensive flood control management plan and provide general advice on flood problems.

A Joint Select Committee on Flood Damage Reduction is created composed of: four members of the Senate; four members of the House of Representatives; and eight nonlegislators selected by the President of the Senate and the Speaker of the House of Representatives. The committee may seek assistance from appropriate federal agencies, including the U.S. Army Corps of Engineers.

The committee is to consider the development of comprehensive state flood policies and a coordinated flood damage reduction plan which includes the following elements: structural and nonstructural flood control projects; forest practice effects on watershed hydraulics; growth management and land uses; storm water runoff and accompanying liabilities; analysis of permitting requirements; emergency work and coordination; disclosure of flood hazard to purchasers and renters of flood-prone property; the role of dredging in flood control; the role of dikes and levees in flood control; criteria for evaluating and approving local plans and projects funded by grants from the flood control assistance account; and public acquisition of properties to reduce flood damage.

The committee shall report its preliminary findings to the Legislature by December 31, 1991 and make a final report by December 1, 1992.

The Department of Community Development shall coordinate state permits in times of emergency.

A procedure is established for coordinating required permits for projects to repair damage caused by recent flooding. The procedure will be tested in a pilot program involving various types of flood control projects.

The Department of Ecology and local governments shall include consideration of state flood control policy as an element of Shorelines Management Act master programs.

Flood control assistance account funds may be used to develop comprehensive flood control management plans, to study cost-sharing feasibility, to finance pilot projects, and to enhance flood control facilities. Grants from the flood control account may be made to a local government only if in the opinion of the Department of Ecology, the local government is making a good faith effort to take advantage of, or conform with, federal and state flood control programs.

Flood control zone district laws are altered so that cities and towns cannot opt out of a newly created flood control zone district. Flood control zone districts may not overlap. Revenue bonds may be issued to finance any flood control improvement or storm water control improvement.

Persons may seek review via the Pollution Control Hearings Board for Department of Ecology actions pursuant to the Flood Plain Management Act.

Within 30 days of application, the Department of Fisheries and the Department of Wildlife shall process hydraulic project applications for the repair of legally constructed dikes, seawalls, and other flood control structures damaged by recent floods.

Whenever the placement of woody debris in a watercourse is required as a condition for a Hydraulics Management Act permit, the Department of Fisheries and the Department of Wildlife shall invite comment from the local government, affected tribal governments, affected state and federal agencies, and the project applicant.

The Department of Fisheries, the Department of Wildlife, and the Department of Ecology will work cooperatively with the U.S. Army Corps of Engineers to develop a memorandum of understanding regarding dike vegetation guidelines to ensure dike owners can qualify for federal assistance to repair and maintain their dikes and to ensure state policy requirements are met.

Local governments which have adopted flood plain management ordinances shall include provisions for livestock flood sanctuary areas within the requirements of the national flood insurance program.

The Department of Fisheries, the Department of Wildlife, the Department of Ecology, and the Department of Natural Resources shall jointly develop an informational brochure regarding the permitting process for flood control projects.

The Department of Natural Resources is allowed to make gravel removed from rivers available free of

charge for public purposes. Gravel to be used for other purposes may be sold by sealed bid or public auction.

The state is allowed to share in the costs of flood control projects benefitting state highways whether or not the project is on a state right of way.

Votes on Final Passage:

Senate	38	7	
House	98	0	(House amended)
Senate			(Senate refused to concur)
House	98	0	(House amended)
Senate	41	3	(Senate concurred)

Effective: July 28, 1991

Partial Veto Summary: Language authorizing the Department of Natural Resources to make gravel removed from rivers available free of charge for public purposes was vetoed because the same provision was adopted in SHB 1864. (See VETO MESSAGE)

SSB 5418

C 351 L 91

Creating an interagency criminal justice work group.

By Senate Committee on Law & Justice (originally sponsored by Senators Thorsness, Rasmussen, Nelson and Talmadge).

Senate Committee on Law & Justice
House Committee on Judiciary
House Committee on Appropriations

Background: The interagency criminal justice work group was established by Executive Order 81-15 to provide a central forum for communication between law enforcement entities and to facilitate statewide coordination of criminal justice services.

It is recommended that statutory authority be provided for the continuation of the work group's functions and duties.

Summary: The Task Force on Sentencing of Adult Criminal Offenders is created. The task force shall have 14 members. The Governor shall appoint two members, the Speaker of the House shall appoint six members, and the President of the Senate shall appoint six members. The members of the task force shall select a chair or co-chairs from among the membership of the task force. Staff for the task force shall be provided by the Senate, the House of Representatives, and the Office of Financial Management.

The objectives of the task force are to: determine whether the articulated purposes of the Sentencing Reform Act of 1981 remain valid or should be modified; study the incarceration patterns of adult offenders; determine the extent to which existing alternatives to total confinement, including but not limited to intensive rehabilitation camps, are being used and make recommendations to ensure that alternatives to total confinement are being ordered when appropriate; and determine whether expanding sentencing options would achieve the purposes of the Sentencing Reform Act.

The task force is to consult with the Sentencing Guidelines Commission and other interested parties to achieve the objectives of the task force.

The task force shall report to the Legislature and to the Governor not later than December 15, 1992, and will cease to exist on January 1, 1993.

Votes on Final Passage:

Senate	47	0	
House	94	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	98	0	
Senate	34	13	

Effective: May 21, 1991

SB 5434

C 49 L 91

Repealing certain regulatory authority over railroads.

By Senators Patterson, Snyder and Hansen; by request of Utilities & Transportation Commission.

Senate Committee on Transportation
House Committee on Transportation

Background: The 1980 Staggers Rail Act gave the federal government all authority over railroad transportation rates. Under the act, any state wishing to exercise jurisdiction over rail transportation rates was required to apply for Interstate Commerce Commission (ICC) certification. To become certified, the state regulatory authority had to agree to exercise its authority in compliance with the act and was required to formalize that agreement by adopting rules to implement federal procedural and accounting rules.

In 1984, the Legislature directed that the Washington Utilities and Transportation Commission (WUTC) become certified by the ICC. The intent of such certification was to provide a local forum for the settlement of any rail transportation rates dispute. The WUTC drafted rules, applied for certification, and was certified by the ICC. The certification expires in May 1991 and recertification requires additional state rule adoption.

WUTC records show that only one rail transportation rate has been challenged since 1980, and that case was heard and decided before the state was certified.

Summary: The requirement that the Utilities and Transportation Commission maintain certification under the federal Staggers Rail Act is repealed.

Votes on Final Passage:
Senate 47 0
House 95 0

Effective: July 28, 1991

SB 5441
C 261 L 91

Amending bookmaking provisions.

By Senators Rasmussen, Nelson, Hayner and Johnson.

Senate Committee on Law & Justice
House Committee on Commerce & Labor

Background: Professional gambling is a crime under Chapter 9.46 RCW punishable by a fine of not more than $100,000 and/or imprisonment of not more than five years. It has been suggested that bringing the crime of professional gambling and other gambling offenses in line with the classification of crimes under Chapter 9A.20 RCW would offer prosecutors greater flexibility and provide more equitable sentencing opportunities.

Summary: Professional gambling is prohibited. Professional gambling in the first degree is a class B felony. Professional gambling in the second degree is a class C felony. Professional gambling in the third degree is a gross misdemeanor. Gambling offenses are subject to the penalties set out in RCW 9A.20.021.

Votes on Final Passage:
Senate 48 0
House 95 0

Effective: July 28, 1991

SB 5442
FULL VETO

Changing motorcycle instruction permit restrictions.

By Senator Moore.

Senate Committee on Transportation
House Committee on Transportation

Background: The 1989 Legislature designated three categories of special motorcycle endorsements for a driver's license. These include motorcycles having an engine displacement of 150 cubic centimeters (CCs) or less, 500 CCs or less, or 501 CCs or more.

In addition, individuals with a motorcyclist's instruction permit operating a motorcycle are required to be under the direct supervision of a person with a motorcycle endorsement of the appropriate category who has at least five years' experience. Users of motorcycle permits have argued that this requirement makes a motorcycle instruction permit virtually impractical due to the inability to locate a motorcyclist with five years' experience.

Four thousand instruction permits are distributed each year. From 1986 through 1989 there were three fatal accidents involving an individual operating a motorcycle with an instruction permit.

Summary: Motorcycle instruction permits may be issued to an individual who has satisfactorily completed a motorcycle instruction course approved by the Department of Licensing. This permit and a valid driver's license are required when operating a motorcycle. An individual operating a motorcycle with an instruction permit must be under the direct supervision of an experienced motorcyclist with a driver's license endorsement of the appropriate category, and may not carry passengers or operate a motorcycle at night.

Votes on Final Passage:
Senate 44 0
House 91 0 (House amended)
Senate 37 1 (Senate concurred)
FULL VETO (See VETO MESSAGE)

SB 5444
C 19 L 91 E1

Extending the time for a bank customer to discover and report unauthorized signatures and alterations.

By Senators Moore and A. Smith.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: A bank customer must exercise reasonable care and promptness in examining a statement of his or her account to discover an unauthorized signature or other alteration. If the customer identifies such an alteration, he or she must promptly notify the bank.

Regardless of the customer's care, he or she is prohibited from asserting such an alteration against the bank unless the customer discovers and reports the alteration to the bank within 60 days. The 60 day period is measured from the time the statement is made available to the customer.

Summary: The period of time in which a bank customer must discover and report an unauthorized signature or other alteration is changed. An individual customer must discover and report any such alteration

within one year in order to assert the alteration against the bank. Commercial accounts are still subject to the 60 day detection period.

Votes on Final Passage:

First Special Session

Senate	46	0	
House	93	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: September 29, 1991

SB 5449

C 102 L 91

Requiring notice of the appeals process to discharged educational employees.

By Senators Sellar, Vognild and Bailey.

Senate Committee on Education
House Committee on Education

Background: School district boards of directors are responsible for hiring and discharging both classified and certificated employees. Under statute, certificated employees have 10 days to request an administrative hearing after notice of discharge. The certificated employee has 30 days to appeal the final decision of the hearing officer to superior court. Under a separate statute, any person has 30 days to appeal a decision of the school board to superior court.

Under current law, school districts are not required to provide their employees notice of the right to appeal.

Summary: Any notice of discharge given to a classified or certificated employee must contain notice that the appeals process is available and how information about the process may be obtained.

Votes on Final Passage:

Senate	46	0	
House	95	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 28, 1991

SSB 5450

C 42 L 91

Concerning pasteurization in relation to licenses for the sale of beer.

By Senate Committee on Commerce & Labor (originally sponsored by Senators Sellar, Snyder, Matson, Moore, McMullen, McDonald and Skratek).

Senate Committee on Commerce & Labor
House Committee on Commerce & Labor

Background: Current statutory language related to the issuance of class A, B, D and E beer retailer licenses differentiates between "pasteurized" and "unpasteurized" beer and between beer to be consumed on premises and beer to be consumed off premises.

Class A and class B beer licensees may sell beer for consumption on premises and may sell unpasteurized beer for consumption off premises. Unpasteurized beer must be sold in a keg of not less than seven and three-fourths gallons or in a sanitary container brought to the premises by the purchaser which is filled at the tap by the retailer and is to be consumed off premises.

Class A licenses may be issued to hotels, restaurants, drug stores, soda fountains, clubs, dining places on boats and airplanes, and to sports arenas or race tracks during professional athletic events. Class B licenses may be issued to taverns.

Class D beer licensees may sell pasteurized beer by the opened bottle for on-premises consumption. Class D licenses may be issued to hotels, restaurants, clubs, drug stores, soda fountains, dining places on boats and airplanes, and other places where the sale of beer is not the principal business conducted.

Class E beer licensees may sell pasteurized beer in bottles and original packages to be consumed off premises. Class E licenses may be issued to retail stores and to holders of class A or class B licenses.

Summary: All references made to "pasteurized" and "unpasteurized" beer are stricken from the statutes related to the issuance of class A, B, D and E beer retailer licenses.

Establishments holding only a class E beer retailer's license cannot sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid.

Votes on Final Passage:

Senate	45	0
House	92	0

Effective: July 28, 1991

SSB 5456

C 294 L 91

Modifying tenure at community colleges.

By Senate Committee on Higher Education (originally sponsored by Senators Saling, Cantu and Bluechel).

Senate Committee on Higher Education
House Committee on Higher Education

Background: The state community college tenure statute provides a system for granting tenure to faculty members. This system allows for the granting of tenure to a faculty member following the successful comple-

tion of a three-year probationary period, or upon a decision by the community college board of trustees to grant tenure at any time prior to the end of that period. Recently, many efforts have been made by the Legislature, the Higher Education Coordinating Board, and the colleges to improve the quality of instruction received by students at our state higher education institutions. In conjunction with these efforts, it is argued that the process for the award of faculty tenure at community colleges should be strengthened to allow for a more thorough review of the performance of faculty appointees and tenured faculty members.

Summary: The length of time which a community college faculty member may be reviewed by his or her peers for the granting of tenure is changed from three consecutive years to nine consecutive college quarters, excluding summer quarter and approved leaves of absence. After recommendation of the tenure review committee and with the written consent of the faculty member and the appointing authority, this period may be extended up to three additional college quarters.

The effectiveness and performance of tenured faculty members will be reviewed at least once every 15 regular college quarters in which the faculty member is employed by the community college. If this review is unsatisfactory, a tenured faculty member may be required to implement a professional improvement plan for a period of no more than three regular college quarters. If a faculty member's performance is still considered to be unsatisfactory after this period, tenure may be revoked and the faculty member returned to a probationary appointment. The appointing authority is directed to ensure due process for tenured faculty members in the decision to return them to probationary status.

Nothing in this act is to be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

The changes in the tenure provisions apply only to faculty appointments made by community colleges after June 30, 1991.

Votes on Final Passage:

Senate	32	10	
House	93	3	(House amended)
Senate	34	12	(Senate concurred)

Effective: July 1, 1991

SSB 5466

C 189 L 91

Limiting the strict liability of pharmacists.

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Moore, Amondson, Conner, Johnson, Newhouse, West, Rasmussen, Wojahn, Sutherland and L. Smith).

Senate Committee on Law & Justice
House Committee on Judiciary

Background: In a product liability action, the product seller may be held strictly liable for a manufacturing defect under certain circumstances, such as when the manufacturer is insolvent.

Several product liability actions were brought against drug manufacturers, physicians and dispensing pharmacists after the drug diethylstilbersterol (DES) was discovered to cause clear cell adenocarcinoma in the female children of women who took it during pregnancy. Several courts considered whether or not the dispensing pharmacist could be held strictly liable for the alleged defects in the drug under product liability provisions or implied or express warranty provisions in the Uniform Commercial Code. Generally, courts concluded that a dispensing pharmacist who correctly dispensed a commercially manufactured drug pursuant to a prescription was engaged in a "service" rather than "product selling" and could not be held strictly liable.

In 1986, a Washington trial court disagreed and refused to grant summary judgment in favor of a dispensing pharmacist in a DES case. The jury awarded the plaintiff a judgment against the pharmacist. The pharmacist did not appeal because the manufacturers satisfied the judgment.

Summary: Statutory limitations relating to the liability of pharmacists are enacted. A pharmacist who dispenses a prescription product in the form manufactured by a commercial manufacturer pursuant to prescription issued by a licensed practitioner is not liable to a person who was injured through the use of the product based on a claim of strict liability in tort or implied warranty provisions under the Uniform Commercial Code.

A pharmacist is liable for injuries that were proximately caused by the pharmacist's negligence, or an express warranty made by the pharmacist, or an intentional misrepresentation of facts about the product, or the intentional concealment of information about the product by the pharmacist.

A pharmacist who complies with the record keeping requirements is not a "product seller" within the meaning of the products liability actions statute for actions in

strict liability in tort and implied warranty actions under the Uniform Commercial Code.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 28, 1991

SB 5473

C 187 L 91

Creating the tort claims revolving fund.

By Senators McCaslin and Madsen; by request of Department of General Administration.

Senate Committee on Governmental Operations
House Committee on State Government

Background: Tort claims against the state historically were satisfied from a general tort claim revolving fund. In an effort to achieve more efficient risk management and accountability of individual agencies, the liability revolving fund was established in 1989 at which time the tort claim revolving fund was abolished. Agencies contribute to the liability revolving fund in proportion to the claims they are responsible for. The Governor's Risk Management Advisory Committee recommends that the tort claim revolving fund be reauthorized for the limited purpose of satisfying claims arising from conduct which occurred prior to July 1, 1990.

Summary: A tort claims revolving fund is reestablished for the purpose of paying tort claims against the state which arise from conduct taking place prior to July 1, 1990 to the extent such claims are not covered by insurance.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 28, 1991

SB 5474

PARTIAL VETO

C 235 L 91

Planning a data collection and reporting system on children.

By Senators Rinehart, Bailey, Murray, West and Bauer.

Senate Committee on Education
House Committee on Education

Background: The state collects data about a wide variety of factors known to affect children's readiness to learn and perform to their potential in school, including poverty, child abuse and neglect, teenage pregnancy and childbearing, health status, etc. Because the data is collected by several agencies, and various programs within agencies, there is little consistency in the way the data is collected or reported. This limits the ability of local school districts and local and state government to use the data for the planning and evaluation of intervention programs. It also limits the ability of policymakers to use the data in making resource allocation determinations.

It has been suggested that as education reform shifts greater control of education to the local level, the ability to readily access and use state data will become increasingly important, not only for planning by local school districts, but for state efforts to hold school districts accountable for their performance.

Improvements in technologies such as geographic information technology (which allows computerized data such as census data to be fed into a computer and displayed in map form) have opened new possibilities in data reporting. Some state agencies have met informally to discuss ways of using such technology and taking other collaborative steps to improve the collection and reporting of state data regarding children.

Under current law, school districts are required annually to report dropout statistics to the Office of the Superintendent of Public Instruction (OSPI). They must report the number of students in grades 9 through 12 who leave school during the year, by high school program, grade, ethnicity and reason for leaving school. Some school districts have begun using the proposed student tracking definitions for their own analytic purposes. These allow districts to account for the progress of all students, not just dropouts.

Summary: An interagency task force is created to improve the collection and reporting of data about conditions affecting the education and well-being of children. The primary objective of the task force is to provide data aggregated by school districts for use by school districts and state and local policymakers in the planning and evaluation of local and state education programs, practices, and activities.

Task force membership will include representatives from specified state agencies, school districts, the courts, cities, counties, and legislative staff. The Washington State Institute for Public Policy will coordinate and staff the task force.

The task force will: identify the likely uses of demographic data on the education and well-being of children, and determine what type of data is needed, or would be useful, in the planning and evaluation of local

and state education programs, practices, and activities; determine the feasibility, cost, and actions required to aggregate the data; determine the feasibility, cost, and actions required to report the data, providing for quality control and appropriate confidentiality and privacy safeguards; identify measures necessary to ensure the adequate collection and reporting of the data, including the use of common data definitions and reporting timelines; implement those actions that can be taken with little or no cost, and identify actions, with proposed timelines, for which additional resources are required; and examine related issues as the task force deems appropriate. The task force will report its findings to the Legislature by December 1, 1991.

In addition to the dropout data they currently report, school districts annually must report to OSPI, for each of their high school programs: number of students eligible for graduation in fewer than four years; number who graduate in four years; number who remain in school for more than four years but eventually graduate; number who remain in school for more than four years but do not graduate; number who transfer to other schools; number who enter from other schools; number in the ninth through twelfth grade who drop out of school over a four-year period; and number whose status is unknown.

School districts must report the dropout rates for students in each of grades 9 through 12 by ethnicity, gender, socioeconomic status, and disability status. The new dropout data collection provisions expire June 1, 1994.

Votes on Final Passage:

Senate	45	1	
House	61	37	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	72	26	
Senate	22	25	(Failed)
Senate	29	18	(Reconsidered)

Effective: July 28, 1991

Partial Veto Summary: The expiration clause of the new dropout data collection provisions is deleted. (See VETO MESSAGE)

SB 5475

PARTIAL VETO

C 228 L 91

Authorizing honorary degrees.

By Senators Bauer, Saling, Rinehart, Bailey and Murray.

Senate Committee on Higher Education
House Committee on Higher Education

Background: Some constituents have complained that the instructors in their college or university classrooms do not communicate effectively. This creates a double burden of mastering difficult subject matter while trying to understand the English language as spoken by some of the instructors.

In 1990, legislation was enacted which requires institutions of higher education to maintain complete and accurate records of sick leave for teaching and research faculty. It is argued that faculty and administrative exempt employees should not be granted sick leave in excess of that allowed for other state employees, and that sick leave regulations for faculty and exempt employees should be consistent with those established for other state employees.

The Governor's Committee on Disability Issues and Employment was directed by the 1990 Legislature to convene a task force on students with disabilities in higher education. The task force was charged with making recommendations on the roles of state agencies, colleges, universities, and students in ensuring that students with disabilities have an opportunity to obtain a higher education. Students with disabilities are protected against discrimination at institutions of higher education under state and federal laws.

The American Indian endowed scholarship program was created in 1990. The program is administered by the Higher Education Coordinating Board. The scholarships may be funded through a variety of sources, including the earnings on an endowment created by matching state funds with an equal amount of private donation.

Washington provides a number of tuition and fee waivers, reduced fees, and residency exemptions for veterans, active duty military personnel, and some members of their families.

Summary: The Council of Presidents, in consultation with the Higher Education Coordinating Board, shall convene a task force of representatives from the four-year universities and college to provide assurance to students and parents that graduate teaching assistants are able to communicate effectively and understandably with undergraduate students in both the classroom and the laboratory.

The Higher Education Coordinating Board, in consultation with the State Board for Community and Technical Colleges shall study institutional sick leave policies and shall recommend a mandated uniform and consistent policy for all faculty and administrators hired after May 1, 1992, at all public higher education institutions.

The Higher Education Coordinating Board shall establish an advisory committee on access to higher education for students with disabilities. The committee will produce and distribute an inventory list of the resources available for students with disabilities.

Technical changes are made to the American Indian Endowed Scholarship program. The Higher Education Coordinating Board may request the transfer of state funds into the American Indian Scholarship Endowment Fund when $50,000 rather than $500,000 in state funds is equally matched with private donations.

Tuition and fees are frozen until June 30, 1994, at the 1990 rates for veterans of the Persian Gulf combat zone. To be eligible, the veteran would have had to qualify as a Washington resident or been enrolled as a student on August 1, 1990, and his or her adjusted gross family income must not exceed Washington State's median family income.

Votes on Final Passage:

Senate	49	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	97	0	
Senate	38	4	

Effective: July 28, 1991

Partial Veto Summary: The study of institutional sick leave policies is eliminated. (See VETO MESSAGE)

ESB 5476

C 239 L 91

Affecting the marketing of milk.

By Senators Bailey, Barr, Hansen, Anderson, Conner, Newhouse, Gaspard and Bauer.

Senate Committee on Agriculture & Water Resources
House Committee on Agriculture & Rural Development

Background: The United States Department of Agriculture has managed milk pricing and pooling orders in Washington since the early 1950s. These federal programs were created to establish an orderly process for the marketing of milk from dairy farmers to milk dealers. The programs include minimum prices to dairy farmers, coupled with "pooling" mechanisms which equalize the returns to all dairy farmers that supply the same market. Today there is a single federal milk marketing order covering most of Washington, Oregon and northern Idaho.

In 1971 Washington adopted a milk pooling act to enable the Director of the Department of Agriculture to prescribe marketing areas and pooling arrangements to facilitate the marketing of milk. At that time, minimum pricing of milk was made under the federal milk order and the Washington pooling system was to overlay the federal program. The model for Washington's system was a process already in use in Oregon which had a quota system designed to discourage overproduction. The Oregon program had a quota system because the federal pooling arrangements did not attempt to limit production.

Summary: It is the policy of the state to promote orderly marketing of commodities such as milk, in order to eliminate economic waste and destructive trade practices. To accomplish this goal, the Director of Agriculture is given the authority to provide for pricing arrangements for milk, but is expressly forbidden from establishing retail prices.

Producer-dealers are defined as those who produce milk and operate a plant which produces an average of more than 300 pounds of fluid milk products daily. State institutions which process and distribute milk of their own production are to be considered producer-dealers unless exempted by rule. The requirements of producer-dealer designation and the procedures for cancellation of such designation are developed, using federal milk marketing order language.

The director is authorized to: hold joint hearings with officers of other states or the federal government to carry out the intent of the milk pricing and pooling act; establish classifications of processed milk and a minimum price or a formula to determine a minimum price to be paid by milk dealers (specific criteria are included for use in establishing a minimum milk price or formula); require that dealers make payment to producers of milk; accept federal audits in the place of state audits for purposes of administering the program; and set the license fee for milk dealers, and establish a late fee of up to one-half of the license fee. Funds collected under the program are to be deposited into the agricultural local fund.

A referendum process must be followed in creating a marketing area and pooling plan. To be successful, a referendum requires consent from 66 2/3 percent of the eligible producers and 66 2/3 percent of those eligible milk dealers. Eligible milk dealers are those who operate a plant in this state and would receive milk priced under an order when created. The referendum process

is only to be used for creating or terminating a market area pooling arrangement.

The provisions of the pooling and pricing act do not apply to producer-dealers, but they must comply with all of the requirements applicable to milk dealers.

Votes on Final Passage:

Senate	36	12
House	83	14

Effective: May 17, 1991

SB 5477

C 240 L 91

Authorizing veterans' benefits for Women's Air Forces Service Pilots and merchant marines.

By Senators Conner, Rasmussen, Bauer and Nelson.

Senate Committee on Governmental Operations
House Committee on State Government
House Committee on Appropriations

Background: For the purposes of most state benefit provisions, the term "veteran" does not include those who served with the Women's Air Forces Service Pilots (WASPs) or with the Merchant Marine during World War II. Those two groups of individuals were acknowledged as veterans on active duty by Congress in 1977. While the WASPs became eligible November 23, 1977 under the act passed by Congress, the power to declare the eligibility of veterans of the Merchant Marine was delegated to the Department of Defense. That order was promulgated on January 19, 1988.

Summary: An individual who had active service in the Women's Air Forces Service Pilots or in the U.S. Merchant Marine (as defined for federal benefits) is included in the general definition of "veteran" and in the statute defining eligibility for admission to the State Soldiers' Home and Colony at Orting or the Veterans' Home at Retsil. Veterans as defined for state benefits are specifically excluded from the civilian groups who are disqualified.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	90	0	
Senate	48	0	

Effective: July 28, 1991

SSB 5478

C 298 L 91

Requiring comprehensive solid waste management plans to include provisions for recycling for single and multiple family residences.

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Conner and Wojahn).

Senate Committee on Environment & Natural Resources
House Committee on Environmental Affairs

Background: The "Waste Not Washington" Act of 1989 directed the state towards reducing its solid waste stream through comprehensive programs of waste reduction and recycling.

A major part of the program is curbside, residential collection of recyclables.

Summary: The waste reduction and recycling element in the comprehensive solid waste plans prepared by local governments shall include provisions for providing recycling services to multiple family dwellings.

The State Building Trades Council is directed to adopt rules to ensure that adequate and convenient space for storage and disposal of recyclable materials and solid waste are designed and provided in new multiple family residences.

The submittal of plans for providing curbside, residential, recycling service in multiple family dwellings shall be submitted no later than July 1, 1992, by local governments in class one areas.

Votes on Final Passage:

Senate	47	0	
House	98	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 28, 1991

ESSB 5494

C 168 L 91

Changing remedies for collection of debts.

By Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Pelz, Johnson, Owen, Thorsness, Vognild, Sellar and Moore).

Senate Committee on Financial Institutions & Insurance
House Committee on Judiciary

Background: Merchants must collect from consumers checks used to purchase items that are later dishonored. Collection agencies, paid based on the fees permitted

by state law, often are used to collect bad checks. Both federal and state laws regulate the collection of consumer debt. States may not permit collection practices that are inconsistent with the federal Consumer Credit Protection Act, but may provide the consumer with greater protection than does the federal law. Washington has adopted the Fair Debt Collection Act, which is a uniform act limiting the collection activity of agencies or merchants.

Action in civil court to collect a bad check typically occurs in district or small claims court. These courts of limited jurisdiction will not let "agents" of the person suing appear, requiring only primary parties to the litigation. This prevents merchants from using collection agencies to enforce judgments obtained against bad check writers.

Action in criminal court to punish bad check writers requires the prosecutor's office to present proof of the intent to write a bad check, and proof of the act of writing a bad check. Generally, an overdrawn balance at the time the check was drafted creates a presumption of intent. To obtain a writer's bank statement to prove this fact, the prosecutor must follow a lengthy process that is often deemed a low priority due to other concerns of the prosecutor's office. Hence, it has been reported that prosecuting for bad checks does not occur on the smaller checks that cannot be collected by the merchants through collection efforts, and that these bad check writers as a practical matter face neither civil nor criminal penalty. Merchants report that only 50 percent of bad checks are recovered.

Summary: The penalty for dishonored checks in the event of judgment is payment of three times the face amount of the check or $300, whichever is less. The notice of dishonor includes notice that if the check is not redeemed within 15 days, the drawer may face criminal charges.

Votes on Final Passage:

Senate	44	1	
House	94	3	(House amended)
Senate	42	2	(Senate concurred)

Effective: July 28, 1991

SSB 5497

C 281 L 91

Revising the right to a construction lien.

By Senate Committee on Commerce & Labor (originally sponsored by Senators McMullen, Matson, Rasmussen, Sellar, McCaslin, Murray and Stratton).

Senate Committee on Commerce & Labor
House Committee on Commerce & Labor

Background: Consumer protection problems relating to construction liens have been brought to the attention of the Legislature. The most common problem is in the home repair or remodeling area and typically occurs as follows:

A homeowner engages a general contractor to make a repair on their home or do a remodeling project. The contractor completes the job, having employed subcontractors and purchased materials which have been incorporated into the job. The homeowner probably has made periodic payments with full payment made upon completion and the satisfaction of the owner that the job has been done properly. It is then discovered that a material supplier or subcontractor with whom the homeowner has never dealt directly has placed a lien on the homeowner's property, because they have not been paid by the prime contractor. Problems which are variations on this theme have been brought to the attention of legislators and the consumer protection program of the Attorney General's Office for several years.

While the consumer protection problems described above may have supplied the impetus for legislative review of lien laws, other problems exist as well. Virtually all industry segments have reported problems with the current law. The construction lien laws have not been substantially amended or modernized during this century.

During the 1989 interim, the then chair of the Senate Committee on Economic Development and Labor appointed an industry task force to review the current law and develop proposed legislation that could be supported by all segments of the industry, as well as include enhanced consumer protection. When the bill prepared for the 1990 legislative session failed to pass, the Senate asked the task force to continue its efforts to refine the bill. This bill represents the continuing efforts of that task force.

Summary: Lien rights based on the provision of landscaping or engineering services are incorporated, allowing the repeal of Chapters 60.20 and 60.48 RCW.

Lien claims of subcontractors and suppliers who participate in residential remodeling projects, and who do not contract directly with the owner, are limited to amounts not yet paid to the contractor by the homeowner as of the time the homeowner receives notice from the subcontractor or supplier of their activity. "Notice" means that the subcontractor or supplier sends the notice indicating that they are a participant in the project and have or are about to perform services or furnish supplies which would entitle them to make a lien claim.

Anyone who contracts directly with an owner is not required to give advance notice of a right to claim a lien. For new residential construction, participants who

do not contract directly with the owner may give notice of their involvement at any time, but their right to claim a lien is limited to activity following a date which is 10 days prior to the time the notice is mailed or served. In commercial construction, those who contract directly with the owner are not required to give preclaim notice. Subcontractors who contract directly with prime contractors are not required to give preclaim notice. All other participants are required to give preclaim notice, which may be given at any time, but only protects lien rights for activity occurring after a date which is 60 days prior to giving notice.

Laborers are not required to give preclaim lien notice, as in current law.

Lien rights are given to persons furnishing labor, professional services, materials or equipment for the improvement of real property. The definition of "labor" excludes operated equipment and professional services. These services are covered separately. In the event of a lien foreclosure action, these services might have a different priority than under current law.

Under current law, a subcontractor or supplier who performs pursuant to a contract with a registered subcontractor who in turn has been employed by an unregistered contractor has no lien rights. This needless trap has been eliminated so that lien rights are not lost if the entity with which the lien claimant contracts is registered or licensed, if required to be.

Some services relating to a construction project give rise to lien rights, but do not produce anything visible at the site during the early stages of the project. Examples are architect and engineering services, soil samples, and biologist reports. These potential lien claimants must record a notice in the real property records of the county which describes their work. This gives subsequent purchasers or lenders an opportunity to discover these possible claims.

The priority of the lien in relation to other claims against the property is determined at the time of the commencement of the labor, professional services, delivery of material or equipment by the lien claimant. This changes a current rule established by a Court of Appeals decision which held that engineers' liens attach at the time they are recorded.

The need to record liens separately on the Torrens Register for registered land is eliminated. Liens are to be recorded the same as other instruments of title and are effective against registered and unregistered land.

Some of the rules are changed with regard to the parties required to be joined in a lien foreclosure action, and how claimants can become a party to a lien claim foreclosure that is already filed.

When a property owner files a bond to guarantee payment of a lien claim, the property is automatically released from the lien. Currently, the lien claimant has the option of rejecting the bond. The bond amounts are lowered to make this remedy more usable by owners and to more realistically reflect the protection needed for the lien claimant.

When a lender who is supplying interim or construction financing receives a notice from a supplier or subcontractor that timely payment has not been made to them by the prime contractor or owner, the lender is required to withhold the full amount due which is indicated in that notice from subsequent draws against the loan. Currently, the lender is required only to withhold a percentage of the amount indicated in the notice. If a lender fails to properly withhold these amounts, the security that the lender has been given on the loan is subordinated to the lien claim, and language is added to make it clear that in some cases this subordination could include an amount for attorneys' fees.

Building permit applications are required to contain the information which current law requires to be posted at job sites. This includes the legal description or tax parcel number, street address, owner's name, prime contractor's name and the lender involved, if any. This information must be made available to anyone on request and posted at the job site on the inspection record card.

An expedited procedure is provided for eliminating frivolous lien claims and "stop-notices" to lenders.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: April 1, 1992

SSB 5501

C 144 L 91

Concerning license renewal for commercial salmon fishers.

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Owen, Sutherland, L. Smith, Vognild, Amondson and Bauer).

Senate Committee on Environment & Natural Resources
House Committee on Fisheries & Wildlife

Background: Commercial salmon fishers must land salmon every year in order to validate their licenses. However, there is no minimum number of salmon or poundage which must be landed in order to retain the commercial license.

Commercial salmon licenses may be freely sold to any willing buyer.

Summary: The Director of Fisheries shall study the need for changing licensing requirements for minimum salmon landings and the sale or transfer of commercial salmon licenses, and shall report to the Legislature by January 1, 1992. The director shall work closely with the commercial salmon fishing industry.

Non-Indian commercial fisheries in Hood Canal shall be evaluated to determine if restrictions are necessary on fishing areas and methods. The director shall consider the impacts of all nontreaty fisheries on weak salmon stocks. Studies shall be conducted on incidental catch of fish by commercial fisheries which would impact the recreational fishery. Reports are due to the Legislature on or before December 1, 1991.

Votes on Final Passage:

Senate	31	14	
House	95	0	(House amended)
Senate	34	12	(Senate concurred)

Effective: July 28, 1991

SSB 5504

C 258 L 91

Establishing student teaching centers.

By Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Bailey, Rinehart, Saling, Murray, Pelz, Gaspard, Patterson, A. Smith, Sutherland and L. Smith).

Senate Committee on Education
Senate Committee on Ways & Means
House Committee on Education
House Committee on Appropriations

Background: In 1987, the Legislature directed the State Board of Education to establish a two-year pilot program to enhance the student teaching component of teacher preparation programs. Four projects were funded to support innovative ways to expand student teaching placements throughout the state and to expand student teaching experiences for prospective teacher candidates. In 1989, the Legislature extended the original projects one additional year, added a project in Eastern Washington, and required the State Board to submit a final report on the program in December 1990. The State Board recommends in the final report that the student teaching pilot project program be continued on a permanent basis.

In 1990, the Legislature passed executive request legislation establishing the Excellence in Teacher Preparation program (Teachers Training Teachers). The program requires that all student teachers shall be provided a cooperating teacher and stipends for cooperating teachers are paid through supplemental contracts from funds provided in the state budget.

Summary: The State Board of Education, from appropriated funds, shall establish a network of student teaching centers. The purpose of the student teaching centers is to: expand student teacher placements in districts statewide, emphasizing populations and locations that are unserved or underserved; provide a cooperating teacher for up to two academic quarters for each student teacher; enhance the student teaching component of teacher preparation programs, including placement in special education and multi-ethnic school settings; and expand access between student teachers and expand opportunities for collaboration between school districts and colleges and universities.

Funds are allocated to the centers by the Superintendent of Public Instruction on the basis of student teaching placements in the educational service districts. To receive funds, centers must submit documentation indicating: the existing or proposed center was developed jointly, including participation by at least one school district, one college or university, and one educational service district; one or more of the cooperating organizations has responsibility for administration of the center; and the center provides appropriate training in observation, supervision, and assistance skills and techniques to cooperating teachers, other school building personnel, and school district employees.

The student teaching centers are an alternate means of placing student teachers into school districts. Field experiences, as defined, may be provided through the student teaching center but the cost is the sole responsibility of the participants cooperating in the center's operation.

The Teachers Training Teachers program is repealed and reenacted, establishing a link between the program and the student teaching centers.

The bill is contingent on funding in the budget.

Votes on Final Passage:

Senate	45	0
House	90	0

Effective: July 28, 1991

SB 5512

C 190 L 91

Prohibiting connection of a sewer without approval of sewer district.

By Senators McCaslin and Madsen.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: Sewer districts and water districts may create Utility Local Improvement Districts (ULIDs) to finance the extension of their services into new neighborhoods. The creation of a ULID may be initiated by either a resolution of the board of the sewer or water district or by a petition of citizens. Before proceeding, the board must conduct a public hearing. When creation is initiated by a resolution of the board, their authority to proceed with the project may be divested by the filing of written protests signed by the owners of at least 40 percent of the land area in the proposed ULID. These protests must be filed before the required hearing.

If a ULID project is ultimately approved, an appeal to the superior court may be taken within 30 days of the publication of a notice of the passage of the resolution approving the project. An appeal may also be taken from the subsequent fixing of an assessment against a parcel of real estate to fund the project. The superior court may confirm, correct, modify or annul the assessment.

A unanimous vote is required by a three-member water or sewer district board to place the question of enlarging the board to five members before the voters of the district.

Summary: It is a misdemeanor to connect or maintain a connection with a sewer district system without the permission of the district.

Protests of the proposed creation of a ULID may be filed up to ten days after the required public hearing.

When an appeal is taken to the superior court, the court must find from the evidence that an assessment is founded upon the fundamentally wrong basis or that a decision of the legislative body was arbitrary or capricious, before it may correct, modify or annul the appealed action.

A majority of any three-member sewer or water district board may refer to the voters the question of enlarging the board to five.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 28, 1991

SSB 5518

C 191 L 91

Regulating pay-per-call services.

By Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness, Sutherland, Patterson, Jesernig, Stratton and Roach; by request of Attorney General).

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: A wide variety of information is available to telephone customers by using pay-per-call telephone services. These services use a dedicated prefix such as "900" followed by a seven-digit or four-digit telephone number. Nationwide, this industry has been projected to grow from its present level of $750 million in annual revenues to a level of $1.6 billion by 1992.

Although many consumers appear satisfied with the value of information provided by these "900" type services, complaints have been registered against marketers who have used these services in conjunction with deceptive direct mail. Additional complaints have been registered by consumers who were unaware of the cost of these services, and by parents whose children incurred large telephone billings after calling these services.

Summary: Providers of information through pay-per-call services doing business in Washington are required to include a preamble in program messages if an information program costs more than $5 per minute or has a potential cost of over $10. The preamble is required to include an accurate description of the call, the price of the call including any per minute charge, any flat rate charge or any minimum charge, and a statement that billing for the call will begin after the preamble.

Mechanisms for bypassing the preamble are allowed when the caller has made use of the service in the past and if the cost of the call has not changed during the preceding 30 days.

Information providers are required to clearly specify the price of their services in any advertisement of these services. Printed materials published not more than three times per year that advertise information services must include a conspicuous disclosure that the call is a pay-per-call service.

Information providers are restricted in directing their services at children under 12 years old. These restrictions include: prohibiting services where children can speak to each other or are asked their names, addresses or other identifying information; requiring that advertising for these services contains an accurate description of the service offered and indicates that children must obtain parental consent before placing a call to an ad-

vertised number; prohibiting messages that encourage children to make a progressive number of calls; and prohibiting programs that employ an electronic tone signal that automatically dials the number for the program message.

Failure by the information provider to adhere to either the preamble disclosure requirements, the advertising requirements or the requirements related to directing information programming at children under 12 are all a defense for the consumer regarding nonpayment of the charges.

The deceptive use of pay-per-call information services is declared a matter vitally affecting the public interest for the purpose of applying the Consumer Protection Act, Chapter 19.86 RCW. In an action alleging a violation, the court may award the greater of three times the actual damages or $500, in addition to other relevant costs.

Votes on Final Passage:

Senate	42	0	
House	94	3	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 28, 1991

SSB 5520

C 149 L 91

Creating permits for wine shipments to and from individuals.

By Senate Committee on Commerce & Labor (originally sponsored by Senators Newhouse, Jesernig, Murray, Matson, Skratek, Vognild, Bluechel, McCaslin, West, Hayner, Stratton, Patterson, Gaspard, Rinehart, Bauer and Saling).

Senate Committee on Commerce & Labor
House Committee on Commerce & Labor

Background: An adult may bring wine for personal use into Washington from another state upon payment of a state markup and tax. The shipment of wine into this state directly to individuals for personal use, however, is not authorized.

Washington wineries are allowed to ship wine directly to persons in other states. This is subject, however, to the laws in those states, which often prohibit that wine from being received.

Seven states, including California and Oregon, have passed reciprocal shipment legislation which would allow individuals in those states to receive wine shipped from Washington if Washington had wine shipment privileges equal to their own.

Washington wineries often attract tourists who desire to have the Washington wine shipped to their home or to another out-of-state resident.

Summary: Wine manufacturers in states which afford Washington wineries an equal reciprocal shipping privilege may ship, for personal use and not for resale, no more than two cases of wine of its own manufacture per year to any adult Washington resident.

Manufacturers wishing to ship into this state must first obtain a license from the State Liquor Control Board. Delivery of a shipment shall not be deemed a sale in Washington.

The shipping container of any wine sent into or out of the state under the act must be labeled to indicate that it cannot be delivered to anyone who is under 21 or intoxicated.

A person who picks up, delivers, or accepts wine shipped into the state from a person who is not licensed is guilty of a civil violation and subject to penalties.

Out-of-state manufacturers, shippers or persons who, within the state, advertise for or solicit consumers to engage in interstate wine shipment shall have any license received under this act revoked.

Votes on Final Passage:

Senate	40	4
House	94	0

Effective: July 28, 1991

SB 5528

C 91 L 91

Allowing local literacy programs for children.

By Senators Rinehart, Bailey, Murray and Erwin.

Senate Committee on Education
House Committee on Education

Background: In 1990 the Legislature created the Learn-in Libraries program. The pilot program was designed to provide grants to libraries for after school programs to school-age children to increase literacy, improve reading skills, and provide homework assistance. The program is scheduled to expire June 30, 1991. Fifty thousand dollars was appropriated. Grants were provided to Spokane Public Library and the Milton Memorial Library. In Spokane, attendance for one library increased 477 percent from a total of 89 children to 514 in the first month. Both communities have found the program to be very successful.

Summary: The Learn-in Libraries program is extended. The State Library Commission is authorized to provide grants to local libraries to develop and imple-

ment learn-in-library programs that provide after school and vacation programs for children.

The State Library Commission is also authorized to provide grants to libraries to develop innovative programs for children throughout the year. Cooperation with school districts is encouraged.

The purpose of both types of grants is to increase literacy, encourage reading, promote reading readiness, and improve reading and other learning skills. Use of older adult volunteers and other community volunteer resources is encouraged.

The expiration date is repealed.

A report to the Legislature is required by December 1, 1991.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 28, 1991

SSB 5536

C 121 L 91

Studying the state's telecommunication services for the hearing impaired.

By Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness, Rasmussen, Madsen, L. Kreidler, A. Smith, Erwin, Newhouse, Jesernig, Sutherland, Saling, Bauer and Stratton).

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities
House Committee on Appropriations

Background: The Department of Social and Health Services (DSHS) operates the Washington State Telecommunications Devices for the Deaf (TDD) Relay Service (WSTRS). The WSTRS was authorized by the Legislature in 1987 and began operation in 1989. It enables hearing-impaired and speech-impaired persons to communicate with hearing persons over regular telephone lines through an operator and TDD machines. It is funded with an excise tax on all local exchange lines, capped at 10 cents per line per month. A TDD Advisory Committee, with representation from the hearing-impaired and speech-impaired communities, and from the telecommunications industry, advises DSHS on the operation of the relay system.

DSHS provided the Legislature with a report in December, 1990 on the status of the WSTRS. The report identified issues that needed to be addressed in the future operation of the service, including contracting out the operation of the relay system or creating a nonprofit entity to operate it. Other major issues identified in the report include a high blockage rate, possible limitations on demand, alternative toll call billing, possible operation of a regional system with other states, and other technological changes.

In July, 1990, Congress enacted the Americans with Disabilities Act (ADA). The federal legislation requires each telephone company in every state to provide TDD relay services no later than July, 1993. Minimum standards for the service are set out in the act. An acceptable alternative is a statewide system that complies with the federal operating requirements. The Federal Communications Commission is required to promulgate rules by July, 1991 for the implementation of the ADA. The rules may require that relay systems be operated and funded in a different fashion than is currently the case with the WSTRS.

Summary: The Telecommunications Devices for the Deaf Task Force is created. Its members consist of the directors, or designees, of the Departments of Social and Health Services and of Information Services, and the chair or designee from the Utilities and Transportation Commission (UTC). The Department of Information Services is to be the lead agency. The task force is to assemble a working group with broad representation, including interstate and intrastate telephone carriers and, to the extent possible, members of the TDD Advisory Committee. The task force, with the assistance of the working group, is to report to the Energy and Utilities Committees of the Senate and House of Representatives by December 15, 1991. The report is to provide recommendations or propose alternatives for legislative action to address the problems identified by DSHS in its 1990 report, and the requirements of the ADA and the FCC regulations. The report is also to contain a recommendation on whether to continue the work of the task force.

Votes on Final Passage:

Senate	49	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 28, 1991

ESSB 5555

C 315 L 91

Providing assistance for timber harvesting areas.

By Senate Committee on Ways & Means (originally sponsored by Senators Owen, Conner, Snyder, Metcalf, Jesernig, Amondson, Sutherland, Patterson, Hansen, Bailey, Rasmussen, von Reichbauer, Johnson, Pelz, West, Talmadge, A. Smith, Williams, L. Kreidler, Rinehart, Newhouse, Stratton, Gaspard, McMullen, Moore, Madsen, Bauer, Wojahn, Matson, Roach and L Smith).

Senate Committee on Ways & Means
House Committee on Trade & Economic Development
House Committee on Appropriations

Background: Washington's timber supply has recently been impacted by federal action regulating the timber harvest on Forest Service lands. On June 23, 1990, the U.S. Fish and Wildlife Service designated the northern spotted owl a threatened species. A management plan was adopted to ensure the owl's future viability. That plan will lead to a reduction of timber harvest on national forests in Washington State of up to 50 percent, which is 10 to 15 percent of the total harvest from all public and private lands.

The impact of the reduction in harvest will be felt most by Washington communities whose economic base is primarily reliant on the timber industry. The decline in allowable timber sales is projected to have an adverse affect on small and medium sized mills and logging operations in these areas; currently there are more than 3,000 forest products companies employing five or more people in the state. The reduction may result in a loss of 6,000 logging and milling jobs, or 14 percent of total annual state employment in the industry. The loss of timber income could lead to the loss of an additional 12,000 indirect jobs.

Other factors could lead to further timber industry job loss through decreases in both timber supply and demand. Contemporary values which stress environmental protection are bringing pressure to reduce harvest on state and private lands. National demand for wood products is expected to decline over the next few years in the face of slumping housing and paper products markets, weakened by a slower growing national economy.

Summary: Assistance is provided to timber impacted communities to help mitigate the affects of the loss of employment in the timber industry. Programs are coordinated through the Economic Recovery Coordination Board, the Timber Recovery Coordinator, and the agency timber task force. An evaluation of the programs is to be undertaken by the Washington State Institute for Public Policy by November 1993. The programs are contingent on specific funding being provided in the Omnibus Appropriations Act.

Assistance is provided in the following areas:

The Department of Employment Security shall provide enhanced retraining, support services and job search assistance for dislocated workers in impacted areas. The department may contract to provide training in such areas as entrepreneurial development, incubation of new businesses, agriculture, and tourism. The department may also train dislocated workers through the Self-Employment and Enterprise Development program (SEED). The services provided by the department shall include counseling for drug and alcohol abuse, credit difficulties, and other problems.

A program extending unemployment compensation for unemployed forest products workers is established. Unemployed workers in timber impact counties and unemployed forest products workers in all counties are eligible for the program. Workers must participate in approved training. Persons who meet the eligibility requirements may receive up to an additional 26 weeks of benefits.

A counter cyclical jobs program is created to provide training and job opportunities to dislocated timber workers in timber impact areas. Enrollees in the program will receive career orientation and training from the Department of Employment Security, and will then be placed in jobs offered by the Department of Natural Resources that improve the value of state lands and waters.

The natural resource worker project is created to provide employment and training opportunities for dislocated forest products workers in areas of fisheries, wildlife, recreation, and other natural resource professions. Workers in timber impact areas are eligible.

The Department of Community Development shall enhance the two existing reemployment centers in timber impact areas.

The State Board for Community College Education shall waive tuition and fees for eligible dislocated forest products workers or their spouses, up to the number of students authorized and funded in the appropriations act.

The State Board shall also provide training and retraining in timber dependent communities through grants to individual colleges for supplemental slots, pilot projects for literacy and employment training, targeted sector research, the promotion of value added manufacturing, and other programs.

The Higher Education Coordinating Board is authorized to establish an upper division program for placebound students in severely impacted timber counties not served by an existing program.

Enrollment under the Washington Basic Health Plan is extended to include dislocated workers. In making enrollment available, priority will be given to counties meeting criteria for severely impacted timber areas.

The Department of Social and Health Services is directed to establish a grant program for services to the unemployed in timber impact areas, including direct or referral services, establishment of service delivery programs, and coordination of service delivery. Grants may include family support centers, reemployment centers, and other local service agencies.

The Department of Community Development will establish and administer the emergency mortgage assistance program, to provide up to 24 months and $20,000 of emergency assistance loans to households unable to make mortgage payments on their homes due to loss of employment in the timber industry. Rental assistance will also be available under the program.

Votes on Final Passage:

Senate	48	1	
House	95	3	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	97	0	
Senate	43	0	

Effective: May 21, 1991

SB 5558

PARTIAL VETO

C 303 L 91

Providing for the adoption and enforcement of child labor regulations.

By Senators Sellar, Owen, Matson and Wojahn.

Senate Committee on Commerce & Labor
House Committee on Commerce & Labor

Background: The state industrial welfare law authorizes the Department of Labor and Industries to adopt special rules for the protection of the safety, health, and welfare of minor employees. An employer who violates the industrial welfare law or corresponding rules is guilty of a misdemeanor and is subject to a fine of not less than $25 or more than $1,000. No civil penalties are authorized.

Summary: By October 1, 1991, the Department of Labor and Industries is to replace existing child labor rules with rules consistent with federal child labor laws. The rules are to be revised as necessary to remain consistent with federal law. Upon adopting these rules, the department is to implement a comprehensive program to inform employers of the rules adopted.

The Department of Labor and Industries is to issue written citations for violations of the child labor standards of the state's industrial welfare law. For first time, nonserious violations, a reasonable abatement period may be established in lieu of imposing a penalty. If the violation is not corrected, the employer is subject to a civil penalty of not more than $1,000.

For serious or repeated violations of the child labor standards, the employer is subject to a civil penalty of not more than $1,000 for each day the violation continues.

The director is also authorized to issue an order restraining any workplace practice in violation of the child labor standards if the practice creates a substantial probability that death or serious physical harm could result to a minor employee.

Employers who violate certain posting requirements of the child labor standards are subject to a civil penalty of not more than $100 per violation.

Persons who give unauthorized advance notice of an inspection to be conducted under the industrial welfare law are subject to a civil penalty of not more than $1,000.

Any person aggrieved by an action of the department in enforcing the child labor standards may appeal to the director. After a hearing, the director must issue a final order, which may then be appealed to superior court.

An employer who knowingly or recklessly violates the child labor standards is guilty of a gross misdemeanor (maximum penalty: $5,000, one year in jail). An employer whose violation of the child labor standards results in the death or permanent disability of a minor employee is guilty of a class C felony (maximum penalty: $10,000, five years in jail).

Votes on Final Passage:

Senate	47	0
House	98	0

Effective: May 20, 1991 (Sections 2 & 8)
July 28, 1991
April 1, 1992 (Sections 3-7)

Partial Veto Summary: The veto of section 1 removes the requirement that the Department of Labor and Industries replace existing child labor rules with rules consistent with federal child labor laws, and that the rules be revised as necessary to remain consistent with federal law. (See VETO MESSAGE)

SB 5560
FULL VETO

Transferring power and duty to enforce cigarette and tobacco laws to the liquor control board.

By Senators McDonald, Owen, Craswell and Niemi.

Senate Committee on Ways & Means
House Committee on Commerce & Labor
House Committee on Revenue

Background: The state of Washington imposes a tax on the sale, use, consumption, handling, possession, or distribution of cigarettes equal to $.34 per pack. In addition, state and local sales and use taxes apply to the sale of cigarettes equal to approximately $.16 per pack depending on price. Because price differentials exist between Washington and its neighboring states, an incentive for tax evasion exists.

According to estimates from the Department of Revenue, the state is losing $17.9 million per year from illegal sales of untaxed cigarettes. These losses occur from casual smuggling from other lower-tax states and the purchase of cigarettes from tax-free outlets such as military post exchanges and Indian smoke shops. Studies indicate that the integrity of state cigarette tax revenues depends on state enforcement actions.

According to a 1990 report of the Legislative Budget Committee, enforcement of the cigarette tax has not been a high priority of the Department of Revenue.

The Liquor Control Board enforces the laws relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, including applicable taxes and licenses. In carrying out its duties, the board employs liquor enforcement officers who have the authority to enforce the penal laws of the state that are under the board's jurisdiction.

Summary: The duty to enforce the cigarette and tobacco laws is transferred to the Liquor Control Board. Appropriations, personal property, and personnel used by the Department of Revenue in enforcing the cigarette and tobacco laws are transferred to the Liquor Control Board. In addition, retailers are prohibited from possessing unstamped cigarettes and the wholesaler's surety bond is increased to $5,000.

Votes on Final Passage:

Senate	32	16	
First Special Session			
Senate	29	14	
House	83	10	(House amended)
Senate	32	13	(Senate concurred)

FULL VETO (See VETO MESSAGE)

2SSB 5568
PARTIAL VETO
C 366 L 91

Addressing hunger and nutritional problems.

By Senate Committee on Ways & Means (originally sponsored by Senators Roach, Stratton, Talmadge, L. Smith, Pelz, Bailey, Gaspard, Vognild, Williams, Skratek, Murray, Newhouse, McMullen, Matson, Bauer, West, L. Kreidler, A. Smith, Wojahn, Moore, Rinehart and Snyder).

Senate Committee on Children & Family Services
Senate Committee on Ways & Means
House Committee on Human Services
House Committee on Appropriations

Background: It is estimated that approximately 32 million Americans live below the federal poverty level. Approximately 547,000 citizens of the state of Washington, a little more than 10 percent of the population, are living below poverty level. A report by the Governor's Task Force on Hunger found that between 20 and 40 percent of these families experience severe monthly shortages, directly affecting children. Children who are hungry or malnourished are unable to function optimally in the classroom and are thus at risk of lower achievement in school.

Not all of the mothers and infants in the state eligible for the special supplemental food program for women, infants, and children are being served by the program.

The existing network of emergency food assistance programs is unable to meet the demand for purchase, transportation, and storage of food.

Many people receiving assistance through the Emergency Food Assistance Program have special nutritional needs which are not met. These people include infants and children with disabilities, pregnant and lactating women, adults with chronic diseases, etc.

People facing severe hunger often have to wait several days before their food stamp assistance is approved by the Department of Social and Health Services (DSHS).

Summary: The number of eligible women and children served by the Special Supplemental Food Program for Women, Infants, and Children is increased.

The Emergency Food Assistance Program is expanded to provide additional support for the operation of food banks, food distribution programs, and tribal voucher programs for the purchase, transportation, and storage of food. Food for persons with special nutritional needs and training for food bank staff about these needs is increased.

The Department of Social and Health Services (DSHS) is directed to issue food stamps to eligible persons within 24 hours of application.

The Superintendent of Public Instruction is directed to aggressively solicit eligible schools, child and adult day care centers, and other organizations to participate in U.S. Department of Agriculture nutrition programs.

The Senate Children and Family Services Committee and the House Human Services Committee are directed to conduct an interim study on nutrition needs of specific groups of persons.

Program expansions for women, infants and children (WIC) vouchers; emergency food banks; school-based meals and 24-hour expedited food stamps are each made contingent upon funding in the budget.

Votes on Final Passage:

Senate	48	0	
House	91	0	(House amended)
Senate	43	3	(Senate concurred)

Effective: July 1, 1991

Partial Veto Summary: A section requiring issuance of food stamps within 24 hours which established a legal conclusion regarding federal food stamp policy is removed. (See VETO MESSAGE)

SSB 5577

C 44 L 91

Revising the responsibilities of the board of medical examiners.

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators West and Niemi; by request of Department of Health).

Senate Committee on Health & Long-Term Care
House Committee on Health Care

Background: The state Board of Medical Examiners is responsible for the licensing of medical doctors in the state. The board is comprised of nine members: six licensed medical doctors, one physician assistant and two consumers. Currently, the board is not authorized by statute to form panels or subcommittees to conduct business affairs of the board. The ability to form panels would permit the board to more effectively operate by allowing smaller groups to research and address board issues.

The board currently does not have the authority to grant inactive license status to physicians. The inactive license status allows a practitioner to pay a reduced fee during a period when he or she is not practicing medicine. When the practitioner wishes to reactivate the license it may be done without having to reapply for a new license.

Summary: The Board of Medical Examiners may appoint panels comprised of board members to conduct business delegated by the board. A majority of the panel members constitutes a quorum.

The board may adopt rules to issue inactive licenses to physicians. The holder of an inactive license may not practice medicine in the state and must pay an annual fee to the secretary. To reactivate the license the holder must comply with board rules and must not have violated any of the provisions of the Uniform Disciplinary Act. If disciplinary proceedings have been initiated against a physician on inactive status, the license shall not be placed on active status until the proceedings have been completed.

Votes on Final Passage:

Senate	47	0
House	92	0

Effective: July 28, 1991

SSB 5583

C 248 L 91

Pertaining to the child care facility fund.

By Senate Committee on Commerce & Labor (originally sponsored by Senators Anderson, McMullen, Moore, L. Smith and Oke; by request of Dept. of Trade and Economic Developmt).

Senate Committee on Commerce & Labor
House Committee on Trade & Economic Development

Background: The child care facility fund was created by the Legislature in 1989. Administered by a committee within the Business Assistance Center of the Department of Trade and Economic Development, the fund provides grants, loans, and loan guarantees of up to $25,000 to businesses and other organizations to start or improve child care facilities. It was intended that the fund be revolving; that money loaned would be returned to it for redistribution. Provisions explicitly providing for this, however, were not included in the bill.

There have been few applications to the fund for loans. It is suggested that a higher loan limit would better benefit child care projects and make loans more attractive to potential applicants. Loans, but not grants, are returned to the fund for redistribution.

Summary: The child care facility fund is made a revolving fund, not subject to reappropriation.

The maximum loan amount that the committee is authorized to award is increased to $100,000.

Votes on Final Passage:

Senate	44	1
House	94	1

Effective: July 28, 1991

SB 5585

FULL VETO

Establishing a license to sell liquor in motels.

By Senators West, Stratton, McCaslin and Saling.

Senate Committee on Commerce & Labor
House Committee on Commerce & Labor

Background: Hotels and clubs with class H liquor licenses may sell liquor by the bottle to registered guests for consumption in guest rooms, hospitality rooms, or at banquets. Guests may remove from the premises any unused portion of purchased liquor in its original container. To be a "hotel" for purposes of a class H license, a facility must have a dining room serving complete meals.

There is no authorization for a facility offering sleeping accommodations but ineligible for a class H license to sell liquor by the bottle to guests.

Summary: A new class M liquor license is established. The license may be issued to a motel, which is defined as a facility offering three or more self-contained units to travelers and transient guests. The license must not be issued to a motel offering rooms on an hourly basis. The license authorizes the motel to sell individual bottles of spirits not to exceed 50 milliliters, individual bottles of wine not to exceed 187 milliliters, and individual cans and bottles of beer not to exceed 12 ounces to registered guests for consumption in guest rooms.

The alcohol must be kept in locked honor bars and the bars must also contain snack foods. A licensee may not have honor bars in more than one-half of its guest rooms. The licensee must require proof of age from guests requesting the use of an honor bar. The guest must also sign an affidavit verifying that no one under 21 years of age will have access to the alcohol.

Votes on Final Passage:

Senate	28	21
House	86	6

FULL VETO (See VETO MESSAGE)

SB 5586

C 43 L 91

Making technical corrections to provisions for the state militia.

By Senators McCaslin, Sutherland and Roach; by request of Military Department.

Senate Committee on Governmental Operations
House Committee on State Government

Background: In 1989, the Legislature revised the statutes relating to state military affairs. Subsequent review by the Military Department and the Code Reviser revealed a number of editorial errors which the department seeks to correct.

The only substantive provision deals with penalties which may be imposed under the code of military justice. If the penalty imposed requires extra duty hours, the statute still refers to "forfeiture," implying a sum of money. The term should be "restriction" (to the duty station).

Summary: Numerous editorial changes are made to the statutes relating to state military affairs, for clarity and modern military usage.

In the section dealing with mitigation of punishment, "restriction" may not be longer than the number of hours of extra duty that may have been imposed.

Votes on Final Passage:

Senate	47	0
House	89	0

Effective: July 28, 1991

2SSB 5591

PARTIAL VETO

C 319 L 91

Adopting comprehensive recycling programs.

By Senate Committee on Ways & Means (originally sponsored by Senators Metcalf, Amondson, A. Smith and Roach).

Senate Committee on Environment & Natural Resources
Senate Committee on Ways & Means
House Committee on Environmental Affairs
House Committee on Revenue

Background: The 1989 Legislature enacted comprehensive recycling legislation to increase recycling collection programs throughout Washington (Chapter 431, Laws of 1989), and established a goal of recycling 50 percent of Washington's waste by 1995. Recognizing that such increased collection of recyclables might further adversely affect the market for recycled content products, the Legislature designated the Department of Trade and Economic Development (DTED) as the lead state agency for recycling markets development. It charged DTED with several tasks, including developing new markets within the state for recycled materials, attracting recycling businesses to the state, promoting use of recycled content products, and providing technical assistance to businesses.

The legislation also directed DTED to form the Washington Committee for Recycling Markets to make recommendations for new market development, with a priority to be placed upon yard waste, plastics, mixed waste paper and waste tires. The committee's final re-

port noted that Washington recovery of recycled materials is projected to be 4.6 million tons annually by the year 2010, an increase of 3 million tons over the 1988 recovery rate. The committee found that in addition to the surge in supply, much of the material recovered will consist of lower value, heavily contaminated grades of recyclables, further affecting efforts to find stable markets.

The committee further found that markets for recycled materials and resulting products depends upon an increased demand from processors, manufacturers and consumers. Factors affecting industry decisions to use such materials as feedstock include collection, processing and material costs, equipment, supply availability, and performance of the resulting products.

The committee's major recommendations included the creation of a center within DTED to "provide a catalyst, uniting government, industry and public participants in a visible and substantially coordinated effort for the singular purpose of developing markets for recycled materials." The center would provide market research and development; business assistance; information and education; and manage public policy issues related to market development. The center should place primary emphasis upon materials with substantial problems in recycling and markets.

Other recommendations of the committee included: (1) negotiating voluntary agreements with industry to increase recycled content and recyclability of products; (2) undertaking a "buy recycled" outreach effort; (3) implementing an aggressive government procurement policy for recycled products; and (4) supporting recycled product purchases with an effective price preference.

The 1989 Legislature also directed the Department of Ecology to establish a packaging task force to recommend methods to reduce the toxicity of packaging entering the waste stream, reduce the reliance on single use, disposable packaging, and increase packaging recycling. While the task force did not reach consensus on all issues, general support was expressed for measures including reduction of heavy metal content in packaging, conducting a public education program, and coding of rigid plastic containers to facilitate source separation and recycling.

Summary: The Clean Washington Center is created within the Department of Trade and Economic Development. The center is to perform specified duties including providing targeted business assistance to recycling processors and manufacturers, conducting market research, assisting with access to financing, negotiating voluntary agreements with manufacturers to increase recycled content in products, conducting a comprehensive education program to promote recycled products, and promoting projects to demonstrate new market uses for recycled products.

The center is to place a high priority upon commodities comprising a large part of the waste stream, and specific commodities are listed. The center is to solicit private contributions to support its activities. The center's activities are to be conducted with the assistance of a policy board composed of legislative members, and representatives of local government, recycling businesses, and end users. The center sunsets on June 30, 1997.

The school recycling awards program is expanded. The membership of the state Solid Waste Advisory Committee is modified. The state litter program purposes are clarified to include fostering recyclable materials markets.

Effective in 1993, no product or package may be sold in the state containing heavy metals which are intentionally introduced in the packaging. Progressively more stringent numeric concentration limits are established in 1993, 1994 and 1995 for specified heavy metals. Exemptions are provided for previously manufactured products, for clearing inventory, and other circumstances. The manufacturer is to certify compliance with such requirements, and the sale of a product may be suspended in the absence of such certification. The state solid waste advisory committee is to report to the Legislature in 1993 on the need to further reduce toxic substances in packaging.

Rigid plastic containers sold within the state after 1991 are to include a label identifying the resin type used to produce the container. The symbol is described and the code numbers specified for the resin types. Civil penalties up to $500 may be imposed for selling such containers after notice that the container does not comply with the coding requirement.

By July 1, 1993, cities and counties are required to amend household hazardous waste plans to include specific provisions for collecting used oil from the public. The plans are to incorporate voluntary agreements with the private sector and state agencies to provide for collection sites. Annual statements are to be provided by local governments to the Department of Ecology on the sites used and quantities of oil collected.

By July 1, 1992, the Department of Ecology must prepare used oil guidelines for cities and counties. The guidelines must establish a statewide recycling goal and local recycling goals. The department must also recommend the number of sites needed to achieve such goals. Guidelines for collection site equipment and operating standards are also to be developed. The department is directed to prepare guidelines in conjunction with cities and counties amending their plans.

Persons selling 1,000 or more gallons of lubricating oil per year or selling more than 500 oil filters per year are required to post signs stating where used oil can be recycled. Such persons are also required to sell contain-

ers for collecting used oil. Local governments are to adopt ordinances to enforce these requirements.

The Department of Ecology must conduct a statewide education program on used oil recycling and assist cities and counties in local education programs. Existing laws on public information on used oil recycling are repealed.

Effective in 1992, used oil cannot be used for dust suppression or weed control. Kits incorporating an absorbent to collect used oil for recycling are also prohibited. Effective in 1994, oil must be disposed of by delivery to licensed used oil collectors, and landfill operators may not permit used oil disposal.

By January 1, 1993, persons transporting used oil for profit must conform to rules adopted by the Department of Ecology.

Regulatory standards for burning of used oil are adopted. Exemptions from such standards are made for used oil burned in certain commercial space heaters, ocean-going vessels, and as provided by Department of Ecology or local air authorities. The Department of Ecology is directed to develop standards for blending used oil into fuels.

Used oil to be rerefined for energy or heat recovery is not to be included in the calculation of hazardous wastes generated for purposes of the planning requirements for certain hazardous waste generators.

As a part of developing local government comprehensive recycling plans, local solid waste advisory committees are to conduct meetings to determine how local recycling businesses and solid waste collection businesses may participate in recycling collection and marketing programs.

Certain solid waste collection companies are required to use local recycling businesses for the processing and marketing of recyclable materials collected from residences, under specified conditions. Cities and towns providing reduced solid waste collection rates to residents participating in residential curbside collection programs may offer a similar reduced rate for participation in other recycling programs. Customers participating in other recycling programs are also eligible for the same rate incentives approved by the utilities and transportation commission.

The consent of the waste generator or collection company must be obtained for diversion of recyclables from a recycling container. The prohibition against stopping a vehicle upon a roadway and similar restrictions do not apply to drivers engaged in collecting solid waste or recyclables.

A 14-member task force on recycling funding is created to study long-term funding mechanisms and develop specific funding mechanisms for the Clean Washington Center. It is to report its findings to the Legislature by December 1, 1991.

Portions of the bill are contingent on funding in the budget.

Votes on Final Passage:

Senate	49	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: May 21, 1991

Partial Veto Summary: Section 208 is vetoed, which would authorize the Clean Washington Center to appoint advisory committees to assist in developing and implementing the center's work plan. (See VETO MESSAGE)

SSB 5611

C 244 L 91

Studying the excise tax imposed upon car rental vehicles.

By Senate Committee on Transportation (originally sponsored by Senators Matson, Patterson, Snyder and Conner).

Senate Committee on Transportation
House Committee on Transportation

Background: Currently rental agencies pay a prorated share of motor vehicle excise tax on each new vehicle based upon the purchase date of the vehicle. For example, 11 months of excise tax is collected on new rental cars purchased in February; six months of excise tax is collected on new rentals purchased in June, etc. Subsequent renewals, if any, are for 12 months.

Rental car agents state they are keeping vehicles, on average, four to six months before selling them and are not getting full use of the vehicles commensurate with the period they have paid motor vehicle excise tax. For example, if a vehicle was purchased in February, the company would pay eleven months excise tax, but the car would likely be used only four or five months before it was sold. The rental companies are not eligible for a tax refund for the unused portion of the year.

Rental car agents argue they cannot pass the cost of the tax onto the consumer because of fierce market competition. They state there is not a direct relationship between the expenses they incur and the charge they impose for using the rental vehicle. Many national companies, for example, set a weekly rental rate which is honored nationwide, regardless of tax variances between states. The rental agents further argue they do not recoup the value of the unused portion of excise tax when they sell used vehicles.

Summary: The Legislative Transportation Committee, the Departments of Licensing, Revenue, and Transportation, and representatives from the car rental industry, as well as other interested parties are required to conduct a study to evaluate whether or not there is a problem with the current system of taxation and to make alternative recommendations if there is a problem. A final study is due by January 1, 1993 with an interim report due January 1, 1992.

Votes on Final Passage:

Senate	48	0	
House	95	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 28, 1991

SSB 5612

C 352 L 91

Changing provisions relating to natural resources conservation areas.

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Bluechel, Snyder, Metcalf and Stratton; by request of Department of Natural Resources).

Senate Committee on Environment & Natural Resources
Senate Committee on Ways & Means
House Committee on Natural Resources & Parks

Background: In 1987, the Legislature established the Natural Resource Conservation Area (NRCA) program within the Department of Natural Resources, to protect and conserve areas that have retained their natural character to some degree, or that contain important biological, geological, archaeological, or other special features. Land acquisition was financed by proceeds from a 0.06 percent surcharge on real estate excise taxes through June 30, 1989.

NRCA land can be acquired through private purchases at fair market value, trust land transfers, or purchased through the Washington Wildlife and Recreation Program fund (WWRP). NRCAs are managed for limited, but compatible, public uses such as maintaining ecological systems, maintaining scenic landscapes, maintaining habitat for threatened or endangered species, enhancing sites for primitive recreational purposes, and outdoor environmental education. NRCA management can include limited production of income from forestry, agriculture, or other activities consistent with the program's objectives.

Modifications to the NRCA chapter are needed to clarify the program's intent, to repeal language related to the excise tax that is no longer collected, and to authorize using the remainder of the funds generated by the excise tax for management purposes.

Summary: Low-impact public uses are authorized within Natural Resources Conservation Areas (NRCA) and are defined as recreational uses that do not adversely affect resource values, are appropriate to maintaining a natural setting, and that do not detract from long-term ecological processes. Prior to establishing the boundary of a NRCA, a public hearing must be held in the county where the majority of the land is located.

Funds eligible for deposit into the NRCA stewardship account are expanded to include grants and income from NRCA management. Two million dollars of the account balance must remain in the account as an endowment.

The section establishing the conservation area account is repealed. The remaining funds in the account are transferred to the NRCA stewardship account.

The NRCA stewardship account can only be used for management of NRCAs, trust land transfers, lands acquired as natural preserves, lands acquired for the NRCA program by the Washington Wildlife and Recreation Program, and for the operating expenses of the natural heritage program.

Contingent upon funding in the Omnibus Appropriations Act, the Union Bay cooperative wildlife habitat management area is established at the Union Bay wetland area east of the Lake Washington ship canal. The Department of Wildlife is directed to coordinate a cooperative planning effort for the area, to include all interested property owners and managers within or adjacent to the area as well as other interested parties.

The Department of Wildlife and cooperators are directed to identify wildlife resources, educational opportunities, and management objectives for the area and to develop a plan for co-management. The Department of Wildlife shall provide progress reports to the House Fisheries and Wildlife and the Senate Environment and Natural Resources Committees by December 1, 1991 and December 1, 1992. The Department of Wildlife may accept gifts, grants and other funds for the purposes of coordinating the planning effort.

Votes on Final Passage:

Senate	48	0	
House	98	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	98	0	
Senate	46	1	

Effective: July 28, 1991 (Section 12 is null and void since no appropriation was made in the budget.)

SSB 5613

C 323 L 91

Regulating pawnbrokers and second-hand dealers.

By Senate Committee on Commerce & Labor (originally sponsored by Senators Matson, Moore, McCaslin, McMullen, Snyder, Bauer, Vognild, Sutherland, Thorsness, Johnson and Hansen).

Senate Committee on Commerce & Labor
House Committee on Commerce & Labor

Background: Current law regulates the business of pawnbrokers and second-hand dealers in Washington State.

A fixed place of business must be maintained by pawnbrokers. The statute requires pawnbrokers and second-hand dealers keep records on persons conducting transactions and on the items exchanged, establishes reporting procedures with local law enforcement departments and rules for retaining stolen property, directs that written documents be used in transactions, and requires a 90 day waiting period be kept before pledged property is sold. Rates of interest and fees charged by pawnbrokers are established in statute.

The regulating statute was last revised in 1984.

Summary: The definition of "pawnbroker" is expanded to include a person making loans secured by the purchase of personal property or the sale of personal property.

The definition of "second-hand dealer" is expanded to include people that conduct business at flea markets more than three times per year.

The definition of "transaction" is expanded to include trades.

"Loan term" is defined as a period of 30 days including the date a loan is made.

The identification numbers of the employee and store, the telephone number of the customer with whom a transaction is concluded, and the color of stones in pawned jewelry are included as information recorded at the time of a sale.

Upon request, pawnbrokers and second-hand dealers shall forward to the chief law enforcement officer of the city or county their records of transactions for the previous day. Pawnbrokers and second-hand dealers shall not be required to transfer this information to local law enforcement agencies in less than 24 hours, and the chief law enforcement officer shall determine the time period required within their jurisdiction. Reports may be transmitted electronically, on floppy disks, or other ways allowed by the chief law enforcement officer.

Law enforcement agencies shall provide written notice requesting pawnbrokers and second-hand dealers hold stolen property no later than 10 days after a verbal request. If written notice is not given within 10 days, the stolen property need not be held for 120 days.

Pawnbrokers and second-hand dealers shall provide a 20 day written notice to law enforcement agencies before the expiration of the 120 day holding period for stolen property. If this 20 day notice is not sent to the law enforcement agency, the holding period shall automatically continue for another 120 days.

The law enforcement agency may extend the holding period another 120 days if written notice is given to the pawnbroker or second-hand dealer before the end of a holding period.

Personal property pledged to a pawn shop shall not be removed from the place of business within 30 days of receipt of the property. Property received by a second-hand dealer without a permanent business location shall not be removed for 30 days from the city or county in which it was received.

The fee schedule for pawnbrokers is revised so that the maximum interest rate charged on pawns over $100 may not exceed 3 percent for a 30 day loan term.

The length of time pawnbrokers must wait to sell a pledged item is reduced from 120 days after the loan date to 90 days after the loan date.

Pawnbrokers shall not be required to disclose the proceeds of the sale of pledged goods to the person who took out the loan.

Provisions of law pertaining to forfeited or foreclosed loans do not apply to pawnbrokers.

In any action brought by a pledgor, pawnbroker, or second-hand dealer to determine title to goods, the prevailing party is entitled to reasonable attorneys' fees and costs.

No item shall be accepted for pledge if any serial numbers or other identifying marks have been removed or altered.

Personal property shall not be purchased by a pawnbroker or second-hand dealer with the understanding it will be resold to the original seller at a predetermined price in an attempt to avoid the interest and fee schedules established by this act.

Votes on Final Passage:

Senate	46	1	
House	93	0	(House amended)
Senate			(Senate refused to concur)
House			(House receded in part)
Senate	45	0	(Senate concurred)
House	93	0	

Effective: July 28, 1991

ESSB 5624

C 279 L 91

Protecting food fish resources by the department of fisheries.

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Craswell, Conner and Metcalf).

Senate Committee on Environment & Natural Resources
House Committee on Fisheries & Wildlife

Background: Persons or government agencies who construct hydraulic projects within the waters or aquatic bed lands of the state must have a hydraulic permit from either the Department of Fisheries or Department of Wildlife.

Persons who wish to build hydraulic projects on property which is a single family residence wish to have an expedited permit process.

Summary: Hydraulic permits shall be issued by the Department of Fisheries to single family residence project applicants within 45 days of application. Bulkheads or rock walls constructed to protect single family residences in marine areas shall receive a hydraulic permit from the Department of Fisheries if: a new bulkhead or rock wall is within six feet of the high water line, or replacement of an existing bulkhead or rock wall is placed immediately waterward of the existing structure in cases where there are removal problems. The department may condition permits with construction timing constraints to protect fish life. Disputes involving projects for single family residences may be appealed to the Hydraulic Appeals Board.

Votes on Final Passage:

Senate	46	0	
House	90	5	(House amended)
Senate	41	0	(Senate concurred)

Effective: July 28, 1991

SSB 5626

C 67 L 91

Revising provisions relating to the hardwood commission.

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators McMullen, Amondson and Snyder; by request of Washington Hardwoods Commission).

Senate Committee on Environment & Natural Resources
House Committee on Trade & Economic Development
House Committee on Revenue

Background: In 1990, the Legislature authorized the creation of a Washington Hardwoods Commission to foster the growth and development of the hardwood industry in Washington. The enabling statute for the commission is similar to the statutes of the numerous agriculture commodity commissions such as the Apple Commission. The Legislature asked the Hardwoods Commission to prepare an industry fee assessment schedule based on businesses who process hardwood.

Summary: An assessment schedule on processors is established and is based on quarterly production by weight. The commission may develop formulas to convert other measurements to tons of production. The assessments will begin July 1, 1991.

Assessments made by the commission are personal debts and if a person fails to pay, the commission may add up to 10 percent of the assessment to defray costs of enforcement. Civil action by the commission may be brought against persons who fail to pay.

The members of the Hardwoods Commission are authorized travel and expenses at the same rate allowed for state employees. Language requiring a 1990 report to the Legislature is removed from statute.

Votes on Final Passage:

Senate	42	1
House	97	0

Effective: May 3, 1991

SSB 5628

C 286 L 91

Modifying provisions for crop liens for handlers.

By Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Barr and Hansen).

Senate Committee on Agriculture & Water Resources
House Committee on Agriculture & Rural Development

Background: In the regular course of current agricultural business practices, value is often added to crops by activities such as handling and selling which fall outside of the protection afforded by existing statutory liens. The Washington Supreme Court held in a recent decision that the interest of marketers and handlers was subordinate to prior perfected secured creditors. This decision leaves crop marketers and handlers without an assured source of repayment for their services in the event the grower of those crops later becomes insolvent.

Summary: A "handler" is defined as a person who receives, stores, packs, markets, sells, or delivers orchard crops but does not include a person who solely transports orchard crops from a grower to a handler. "Orchard crop" means cherries, peaches, nectarines, plums or prunes, pears, apricots, and apples.

The existing provisions for crop liens are expanded to provide protection for handlers to the extent of: all customary charges for ordinary and necessary handling; reasonable cooperative per unit retainages; and governmental assessments. The handler's lien attaches upon delivery of the crops without the necessity of filing. The handler's lien is preferred to other liens and security interests with the exception of the labor lien. The handler's lien will expire in 24 months unless a judicial foreclosure or summary procedure action is brought. The person with a handler's lien is not required to file a lien termination statement. The handler's lien only applies to orchard crops.

Votes on Final Passage:

Senate	49	0	
House	93	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 28, 1991

ESSB 5629

C 325 L 91

Prohibiting unauthorized acts against animal facilities.

By Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Bailey, Conner, Metcalf, Patterson, McCaslin, Hansen, Bauer, Anderson, Barr, Vognild, McMullen, Madsen, Rasmussen and Newhouse).

Senate Committee on Agriculture & Water Resources
House Committee on Agriculture & Rural Development

Background: Concern has been expressed regarding an increasing number of acts committed against animal production and research facilities involving injury or loss of life to animals, criminal trespass, and damage to property.

Summary: It is a class C felony for any person to disrupt a research project or a university's educational program by knowingly taking, releasing, destroying, contaminating, or damaging any animal used in the project or by the university.

Persons who, without authorization, commit an intentional tort by taking, releasing, destroying, contaminating, or damaging animals used by a university or research facility, kept by a person for agricultural production purposes, or kept by a veterinarian for veterinary purposes will have liability that is joint and several. This liability also extends to persons who plan the activity or participate in the implementation of the plan. Injunctive relief to prevent these intentional torts is authorized. In cases where damages are awarded under this act, a civil fine of up to $100,000 may be awarded to the plaintiff.

Any employee or owner of a research, educational, or agricultural production facility who is harassed by persons whose intent is to stop or modify the facility's use of animals, may apply for injunctive relief to prevent the harassment.

Votes on Final Passage:

Senate	47	2	
House	92	5	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	92	2	
Senate	41	0	

Effective: May 21, 1991

SB 5630

C 50 L 91

Exempting certain permits and licenses from the definition of a fee.

By Senators McCaslin, Madsen and Nelson; by request of Department of Wildlife.

Senate Committee on Environment & Natural Resources
House Committee on Natural Resources & Parks

Background: The Parks and Recreation Commission, the Department of Fisheries and the Department of Wildlife issue licenses or permits for statewide use. The state agencies are concerned that the issuance of licenses to the public might make them potentially liable for the actions of the persons who are licensed.

Summary: The recreational immunity statute is amended to limit liability of the Parks and Recreation Commission, the Department of Fisheries and the Department of Wildlife as a result of the recreational licenses that the agencies issue.

Votes on Final Passage:

Senate	46	0
House	93	0

Effective: July 28, 1991

SSB 5632

PARTIAL VETO

C 180 L 91

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

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators West, Niemi and Johnson).

Senate Committee on Health & Long-Term Care
House Committee on Health Care

Background: Ocularists are statutorily defined as persons who design, fabricate and fit ocular prosthetic appliances ("glass eyes"). Ocularists are licensed by the state and the Secretary of Health is the licensing and disciplinary authority. There are currently nine licensed ocularists in the state of Washington.

To be licensed as an ocularist one must be at least 18 years of age, have graduated from high school, be of good moral character and have five years of apprenticeship training, or have completed a prescribed course in ocularist training, or have been engaged in practice outside the state for at least eight years. An applicant for licensure must pass an examination. An ocularist is authorized to provide his or her services when referred by a physician.

The practice act permits the training of apprentices in the profession. A licensed ocularist may request from the Secretary of Health up to two apprentice ocularists at one time. The apprentices must complete their apprenticeships within eight years.

The practice act currently does not authorize an advisory committee to assist the secretary in implementing the chapter.

Summary: The state ocularist advisory committee is formed to assist the Secretary of Health in implementation of the chapter. The committee shall be composed of one medical doctor, one licensed ocularist and one employee of the Department of Health. The committee and the secretary are immune from acts performed in the course of their duties. Credential by endorsement is authorized. Ocularists are required to explain exactly the type of prosthetic or services the patient receives or purchases. Failure to do so may result in disciplinary action under the Uniform Disciplinary Act.

Definitions for stock-eyes, modified stock-eyes and custom-eyes are added to the act. A referral from a physician is not needed for replacement of an ocular prosthetic appliance.

Applicants for licensure are permitted to meet minimum licensure requirements by presenting a general equivalency degree in lieu of a high school diploma. The apprenticeship program must include at least 10,000 hours of training under the direct supervision of a licensed ocularist. Provisions are deleted which allow licensure for persons having eight years of out-of-state experience.

Numerous housekeeping changes are made to make the act conform with the uniform credentialing boiler plate language.

Votes on Final Passage:

Senate	47	0	
House	98	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 28, 1991

Partial Veto Summary: The state ocularist advisory committee is eliminated. The provision granting immunity from liability for acts performed by the Secretary of Health, the advisory committee and others while operating the regulatory program is also vetoed. (See VETO MESSAGE)

SSB 5645

C 39 L 91

Changing liability of handlers of low-level waste.

By Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness and Williams).

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: Persons handling low-level radioactive materials in Washington must receive permits or licenses from various state agencies. The Department of Ecology requires an annual permit from those who dispose of low-level radioactive waste at the low-level site at Hanford. The Department of Ecology licenses persons or entities that handle radioactive materials, such as hospitals, industrial radiographers, and manufacturers. The Utilities and Transportation Commission and the State Patrol regulate the transportation of materials on the state's roads and highways.

Legislation enacted in 1986 required firms with state licenses or permits for packaging, shipping, transporting, treating, storing, or disposing of commercial low-level nuclear materials to bear the risk of potential injury or damage from accidents involving the release of any radioactive materials by (1) holding the state harmless from injuries or damage, and (2) maintaining liability insurance in an amount to be determined by the Department of Ecology. The same legislation required persons applying for such licenses or permits to demonstrate compliance with the insurance requirements, and required the Departments of Ecology and Health to sus-

pend the license of any person failing to demonstrate the required insurance.

Subsequent to enactment of the 1986 legislation, the Department of Ecology provided reports to the Legislature indicating that no separate insurance should be required under these provisions of law because existing general liability coverage for such persons was adequate, or it was already required under other statutes (e.g., the federal Motor Carrier Act), or insurance was either unavailable or too costly, or the risk of harm was not significant enough to require insurance.

In response to this additional information, the Legislature in 1990 made the statutory provisions with regard to the insurance requirement permissive, based on each agency's judgment as to the need. The Departments of Ecology and Health were given separate and parallel authority to adopt insurance requirements, and to exempt categories of licensees and permittees. Each agency was also required to report to the Legislature by December, 1990 on methods by which licensees and permittees who are otherwise unable to obtain liability coverage may obtain such coverage. Testimony on those reports indicated some problems in obtaining compliance with the existing requirements.

Summary: A task force on low-level radioactive materials is created consisting of the Departments of General Administration, Ecology, Health, the UTC, the Office of Financial Management, and the Washington State Patrol. The Department of General Administration is the lead agency. The task force is to utilize a working group encompassing all those involved in the handling of low-level radioactive materials. The task force is to report by December 15, 1991 to the Energy and Utilities Committees of both houses on its findings and recommendations as to liability insurance for the state's licensees and permittees, and an assessment of the risk and risk management for the state with regard to damages arising out of the activities of the licensees, including requirements for indemnifying and holding the state harmless.

Votes on Final Passage:

Senate	47	0
House	93	0

Effective: July 28, 1991

SB 5651

C 206 L 91

Adding the Little Spokane River to the Scenic river system.

By Senators Saling, Stratton, West and McCaslin.

Senate Committee on Environment & Natural Resources
House Committee on Natural Resources & Parks

Background: In 1977, the Legislature enacted the state Scenic River System program, administered by the State Parks and Recreation Commission. At the time the program was enacted, segments of the Skykomish River System were designated as the first, and only, river system within the Scenic River program. The Skykomish Scenic River System is comprised of the junction of the north and south forks downstream 14 miles to the Sultan River, upstream 20 miles on the south fork of the Skykomish to the junction of the Tye and Foss Rivers; upstream 11 miles on the north fork of the Skykomish to its junction with Bear Creek; the Beckler River from its junction with the south fork of the Skykomish upstream eight miles to the Rapid River; and the Tye River from its junction with the south fork of the Skykomish River upstream 14 miles to Tye Lake.

Since 1977, no other rivers have been added to the state Scenic River System.

The Legislature established criteria for considering a river, or river segment for state scenic river designation. A candidate river, or river segment, should be free flowing, without diversions hindering recreation; have a relatively unmodified streambank; have a relatively natural setting and adequate open space; have some land along its length already in public ownership or possibly available for public access and/or scenic easement; and benefit from a coordinated management plan along its length.

The commission may not use the power of eminent domain to make any purchase for state scenic river purposes. The law does not permit the commission or any other government agency to restrict the use of private land without written consent of the landowner or the voluntary purchase of property rights. The law also does not prohibit the Department of Natural Resources from exercising its responsibilities to manage state trust lands.

The management of the state Scenic Rivers System program is overseen by a committee of participating agencies. The committee is composed of the executive head, or the executive's designee from the Departments of Ecology, Fisheries, Wildlife, Natural Resources, and Transportation, the Parks and Recreation Commission,

the Interagency Commission for Outdoor Recreation, the Washington State Association of Counties, the Association of Washington Cities, and two public members appointed by the Governor.

The regulatory elements of the state Scenic Rivers System program apply only to land already in public ownership. The Parks and Recreation Commission adopts management plans for a river which are consistent with the local shoreline master plan. The committee of participating agencies reviews and approves management plans. Management plans may only affect public lands within a maximum of one-quarter mile of the river. The management plans exclude any publicly owned land which has been developed in a manner unsuitable for Scenic River System management. Before adopting a management plan, the committee must hold local public hearings.

In 1988, the Parks and Recreation Commission authorized an assessment of Washington rivers with outstanding characteristics and that have potential for Scenic River designation. The Little Spokane River was included in the 18 rivers identified as suitable additions to the Washington Scenic Rivers System, and was noted as an "undisturbed meandering river valley with a rich diversity of wildlife, waterfowl, Indian pictographs and passive recreation opportunities."

The area of the Little Spokane River proposed for Scenic River designation is primarily publicly owned park land. The seven river miles proposed for scenic designation includes the Little Spokane State Park Nature Area managed by the county, but jointly owned by both State Parks and the county; and four other private landowners. Private property within the proposed scenic river area would not be subject to Scenic River management policies.

Summary: The Little Spokane River from the upstream boundary of the state park boat put-in site near Rutter parkway and downstream to its confluence with the Spokane River is included within the State Scenic River System.

$30,000 is appropriated from the general fund to the State Parks and Recreation Commission to offset costs for a management assessment plan, an inventory of river resources, the preparation of maps, public hearings, and production of river management reports.

Votes on Final Passage:

Senate	46	0
House	80	17

Effective: July 28, 1991

2SSB 5667

C 262 L 91

Assuring access to local evaluation and treatment facilities.

By Senate Committee on Ways & Means (originally sponsored by Senators Niemi, West, Vognild, Bailey, Stratton, Saling, McMullen, L. Smith, Skratek and Sutherland).

Senate Committee on Health & Long-Term Care
Senate Committee on Ways & Means
House Committee on Health Care
House Committee on Appropriations

Background: Under the 1989 mental health reform, groups of counties called regional support networks (RSNs) have entered contractual agreements with the state to assume increased responsibility for mental health services within discrete geographic areas. RSNs must make progress toward assuming responsibility for short term hospitalizations as part of their contracts with the state. On July 1, 1993, RSNs must assume responsibility for all short-term hospitalizations and provide the majority of such hospitalizations (at least 85 percent) locally. Most of this hospitalization is done in the psychiatric wards of local public or private hospitals.

Because of ratable reductions applied to state funding for hospitalization programs, local hospitals which accept state funded acute care patients now receive less than 40 percent of billed charges, while they receive more than 65 percent of billed charges for Medicaid funded patients needing the same care.

Some fear that long term inpatient care at the state hospitals will exceed physical capacity during the coming biennium. As part of their agreements with the state, RSNs may accept responsibility for the care of certain chronic patients, but there is no clear statutory mechanism to encourage this at the present time.

Summary: By November 1, 1991, RSNs must submit procedures and agreements to the state to assure local access to sufficient additional local evaluation and treatment facilities to meet existing legal requirements, while reducing short-term admissions to state hospitals. These may include commitments to construct or operate facilities or agreements with local evaluation and treatment facilities regarding accepting RSN patients, transfers, discharge planning, psychiatric supervision, prospective payments and other specified elements.

By January 1, 1992 the Secretary of Social and Health Services must provide available funding to operate free standing evaluation and treatment facilities or for RSNs to contract with hospitals to assure access for RSN patients.

State contracts with RSNs may include agreements to provide periods of stable community living and work or other day activities for specific chronically mentally ill persons who have completed commitments at state hospitals for 90 days or 180 days or who have been residents at state hospitals for no less than 180 days within the previous year.

The bill is contingent upon funding in the budget.

Votes on Final Passage:

Senate	47	0	
House	92	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: May 17, 1991

SSB 5669

C 295 L 91

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

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Niemi and West).

Senate Committee on Health & Long-Term Care
House Committee on Housing

Background: The housing trust fund (HTF) program, administered by the Department of Community Development (DCD), provides loans and grants to local governments, nonprofit organizations, and public housing organizations to increase the availability and affordability of safe, decent, and sanitary low-income and special needs housing. Households benefiting from HTF dollars may not earn more than 50 percent of the median income for the area in which the project is located. Thirty percent of all HTF dollars must be spent in rural areas of the state.

The Community Mental Health Act authorizes groups of counties to develop regional support networks (RSN) to contract with the state for the treatment of mentally ill persons. The RSNs allow local authorities the flexibility to develop comprehensive mental health systems which are most appropriate and effective for each locality. Current law also requires that RSNs provide services to underserved populations including children, elderly, minorities and the disabled.

Summary: A 5 percent administrative cost lid is imposed on payments from the housing trust fund. The Department of Community Development must provide for a geographic distribution of funds on a statewide basis.

RSNs are added to the organizations which may receive assistance from the Department of Community Development (DCD) under the housing trust fund (HTF) program.

The Department of Community Development is given discretion to choose the series of statutory criteria it must use to give preference to proposed projects. In addition, four more criteria are added. They are: project location and access to employment centers; project location and access to public transportation services; the degree of commitment from programs to provide funding or support services for projects focusing on special needs populations; and projects proposed by groups with statutory mandates to develop community housing.

Applications for state housing trust fund projects targeting the mentally ill may only be approved if they are consistent with regional support network plans.

Regional support networks may receive technical assistance from the HTF and may identify and submit projects for housing and housing support services to the HTF. Projects identified or submitted must be fully integrated with the RSN six-year operating and capital plan, timeline, and budget.

Votes on Final Passage:

Senate	47	0	
House	98	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 28, 1991

SSB 5670

PARTIAL VETO

C 306 L 91

Changing provisions relating to children's mental health.

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Niemi and West).

Senate Committee on Health & Long-Term Care
House Committee on Human Services

Background: A 1989 Washington State Children's Mental Health System Analysis estimates that approximately 6.7 percent of the public school population, or 50,250 children, have a severe emotional disturbance (SED). The report defines SED children as suffering from "chronic mental disability, psychosis or other behavioral disorders that require sustained treatment interventions for a year or more and which require attention on several levels of functioning."

The report estimates that 94 percent of SED public school children are not receiving a specific mental health service despite the presence of severe emotional disturbance. The report also indicates that only 26 percent of these children are receiving state-funded treat-

ment. According to the report, 60 percent of SED children are from families within a low socioeconomic class.

The 1990 supplemental budget contained a proviso which required the Department of Social and Health Services (DSHS) to develop a statewide action plan for children's mental health. This action plan was required to contain recommendations for changes to the mental health and other statutes to accommodate children's special needs and circumstances.

The Title XIX Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) is a federally mandated Medicaid program which provides scheduled checkups and follow-up health services to eligible children under age 21. The federal Omnibus Reconciliation Act of 1989 requires states to provide all medically necessary health services to children whose physical or mental illnesses are discovered by EPSDT screening services. These health services must be provided regardless of whether these services are currently covered by the state Medicaid plan.

Summary: Legislative intent regarding the community mental health program is expanded to promote the early identification of mentally ill children and ensure that they receive mental health care and treatment which is appropriate to their developmental level. Children's mental health care should improve home, school and community functioning and maintain children in a safe and nurturing home environment. Children's mental health treatment decisions should be made in response to the child's clinical needs, using sound professional judgment and recognizing a parent's right to participate in decisions regarding their child's treatment.

The current definition of children eligible for mental health services is modified. Severely emotionally disturbed children are defined as infants or children determined by the regional support network to be experiencing a mental disorder that is clearly interfering with the child's functioning in their school or family, who have: undergone inpatient or involuntary treatment or out-of-home placement related to their mental disorder within the last two years; or are currently served by a specified child-serving system; or are at risk of escalating maladjustment due to chronic family dysfunction involving mentally ill or inadequate caretakers, changes in custodial adult or residential setting, repeated physical abuse or neglect, substance abuse or homelessness. Mental disorders include those which result in a behavioral or conduct disorder.

Severely emotionally disturbed children are included in existing priority populations. These children must receive equal priority with chronically mentally ill adults.

Severely emotionally disturbed children are added to the groups eligible for community support services. These services include diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX Early and Periodic Screening, Diagnosis and Treatment Program and the maintenance of a patient tracking system for severely emotionally disturbed children.

Residential services are expanded to include severely emotionally disturbed children. With the exception of children's long term residential facilities existing prior to January 1, 1991, residential services for children in out-of-home placements related to their mental disorder must not include the costs of food and shelter.

Resource management services must include mental health screening for children eligible under the federal Title XIX Early and Periodic Screening, Diagnosis and Treatment Program.

The Department of Social and Health Services, in consultation with affected parties, must revise the existing community mental health funding formula to include and reflect the number of severely emotionally disturbed children. The Department of Social and Health Services must submit the revised distribution formula to the Ways and Means and Health and Long-Term Care Committees of the Senate and to the Ways and Means and Human Services Committees of the House of Representatives by October 1, 1991.

Existing requirements regarding county authorities and the administration and development of regional support networks are expanded to include severely emotionally disturbed children.

By December 1, 1991, the Department of Social and Health Services must develop criteria under the federal Title XIX Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) to serve acutely mentally ill and severely emotionally disturbed children. These criteria must maximize federal reimbursement by: developing qualifications for certified mental health screening providers; ensuring that mental health screenings do not duplicate or are coordinated with complete screening examinations; developing referral criteria used by EPSDT screening providers to identify children with mental disorders eligible for referral to further evaluation and treatment planning; requiring prior authorization and utilization review for residential and inpatient services; and providing reimbursement for specialized family, home, school, and community-based mental health services or programs designed to promote primary prevention or intervention and maximize the development and potential of these children and their families. The plan must be submitted to the Legislature by December 1, 1991.

The Department of Social and Health Services' authority to operate a pilot program regarding the im-

pact of case management services for persons released from state or community hospitals is repealed. This program terminated June 30, 1989.

The bill contains a severability clause. In addition, if any part of this act conflicts with federal requirements that are a necessary condition to the receipt of federal funds by the state, the state appropriation for mental health services provided to children whose mental disorders are discovered under screening through the federal Title XIX Early and Periodic Screening, Diagnosis and Treatment Program must be provided through the Division of Medical Assistance and no state funds appropriated to the Division of Mental Health may be expended or transferred for this purpose.

Votes on Final Passage:

Senate	49	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate refused to concur)
House			(House receded in part)
Senate	48	0	(Senate concurred)
House			(House refused to recede)
Conference Committee			
House	98	0	
Senate	46	0	

Effective: July 28, 1991

Partial Veto Summary: The requirement that DSHS develop criteria and submit a plan to the Legislature for using federal Title XIX EPSDT funds to serve mentally ill children was vetoed. (See VETO MESSAGE)

ESSB 5672

C 105 L 91

Changing provisions relating to antipsychotic medication.

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Niemi, McDonald, West, L. Smith and Sutherland; by request of Office of Financial Management and Dept. of Social & Health Services).

Senate Committee on Health & Long-Term Care
House Committee on Health Care

Background: In Harper v. State, the Washington State Supreme Court ruled that mental health providers must obtain a court order before they can administer antipsychotic medications to a prison inmate against the inmate's will. The Legislature responded in 1989 by requiring a judicial hearing for all mental health patients before antipsychotic drugs can be administered against their will. Concerns have been raised as to the cost and cumbersomeness of this judicial hearing requirement.

In 1990 the U.S. Supreme Court overturned the Washington State Supreme Court's Harper decision. The U.S. Supreme Court ruled that a full dress judicial hearing is not required before antipsychotic medications can be administered to a prisoner who refuses them.

Summary: If a person is found to be gravely disabled or presents a likelihood of serious harm as a result of a mental disorder, he or she has the right to refuse antipsychotic medication unless it is determined that the failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment, and there is no less intrusive course of treatment in the best interest of that person.

The Department of Social and Health Services is required to adopt rules to carry out the purposes of this chapter. The following shall be included:

(1) The facility shall attempt to get the informed consent before administering antipsychotic medications against a patient's will and such attempt must be documented in the patient's medical record.

(2) Standards for emergency treatment which include a review within 24 hours.

(3) The facility may administer antipsychotic medications against the patient's will from zero to 30 days if two physicians approve such medication; from 30 to 107 days (the last day to hear a 180-day involuntary petition) if the medical director or his/her designee periodically reviews the treatment; and beyond 107 days only if a Superior Court Commissioner finds by clear, cogent and convincing evidence after a full evidentiary hearing that the treatment is necessary and effective and that medically acceptable alternative forms of treatment are not available, have not been successful, or are not likely to be effective. The patient has the right to be represented by an attorney; to be present, to present evidence and to cross examine witnesses; to remain silent; to view and copy all petitions and reports in the court file; and to have an opportunity to prepare for the hearing.

The patients' list of rights is amended to reflect the changes indicated above.

Liability is removed for the person administering antipsychotic medications.

The term "shock treatment" is replaced by the term "electroconvulsant therapy."

Votes on Final Passage:

Senate	46	0	
House	90	3	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 28, 1991

SB 5678

C 57 L 91

Creating Washington national guard day.

By Senators Thorsness, Madsen, Rasmussen, Hayner, Newhouse, Erwin, A. Smith, L. Kreidler, Williams, Saling, Cantu, Sutherland, Owen, Johnson and Oke.

Senate Committee on Governmental Operations
House Committee on State Government

Background: Currently there is no day that honors the thousands of dedicated men and women of the Washington Army and Air National Guard who voluntarily serve the state and nation in peace and war.

Summary: January 26 of each year is designated as Washington Army and Air National Guard Day. Washington Army and Air National Guard Day is not to be considered a legal holiday for any purpose.

Votes on Final Passage:

Senate	47	0	
House	88	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 28, 1991

SB 5684

C 87 L 91

Requiring certain nonresident pharmacies to be licensed.

By Senators West, Niemi and Johnson; by request of Department of Health.

Senate Committee on Health & Long-Term Care
House Committee on Health Care

Background: Out-of-state, or nonresident, pharmacies which currently supply drugs to state residents are not required to be licensed or regulated by the Department of Health, as are in-state pharmacies.

Summary: Pharmacies located outside Washington State which ship, mail or deliver, in any manner, controlled substances, legend drugs, or devices into the state are considered "nonresident pharmacies" and are required to be licensed by the Department of Health. Pharmacies located outside the state are not required to be licensed by the Department of Health if their sales to Washington residents occur only when the resident crosses the state line to purchase items in person.

Nonresident pharmacies are required to disclose information to the Department of Health, including information about corporate ownership, identity of pharmacist employees, proof of compliance with directives and requests from home-state and Washington licensing authorities, a recent inspection report by the home-state regulatory agency and proof that record keeping of regulated drugs is separate from that of other drugs.

The nonresident pharmacies are required to maintain a valid home-state license, maintain a toll-free telephone service for patients, and comply with existing regulations on maintenance of patient record systems, provision of information to patients and limitations on quantities of drugs to be dispensed.

The license fee charged nonresident pharmacies is limited to that charged to resident pharmacies with an exemption provided in the case of isolated transactions.

Nonresident pharmacies are required to maintain a resident agent for service of process. Operation without a license is prohibited. The department is allowed to request information. Annual license renewal provisions are provided. The pharmacy is required either to provide to the secretary information regarding controlled substances shipped into the state or to submit to an on-site inspection if the information cannot be provided.

Disciplinary action and penalties for violation of the act are provided. Advertising by unlicensed nonresident pharmacies is prohibited. Insurers, health service contractors and HMOs are prohibited from covering or prescribing drugs purchased from nonlicensed nonresident pharmacies. Insurers are required to keep proof of licensure of the nonresident pharmacies and make it available to the department on request. Certain information obtained by the department from health care insurers, HMOs or contractors is exempt from public disclosure.

Votes on Final Passage:

Senate	49	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: October 1, 1991

SSB 5713

C 109 L 91

Making changes to license administration by the department of agriculture.

By Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Barr and Hansen; by request of Department of Agriculture).

Senate Committee on Agriculture & Water Resources
House Committee on Agriculture & Rural Development

Background: Currently, license renewal dates within the Department of Agriculture are specified as a single date by statute. The department experiences extreme workload peaks in the divisions responsible for handling licenses during a few specific times each year when licenses are renewed.

Certified feed lot licenses now expire June 30. Each year the department conducts audits of the cattle handled at certified feed lots. Following an audit, a fee of 10 cents per head of cattle handled at the feed lot must be paid to the department.

Commission merchant licenses now expire on January 1. If the renewal is late a penalty of $10 is assessed.

Agricultural warehouse license renewals and grain dealer licence renewals are due June 30. Currently, the schedule of handling, conditioning, and storage rates are to be filed with the department for the following license year and the rates may then be changed only with the approval of the department.

Summary: The licenses required for: vendors of milk; creameries, shipping stations, and other processors of milk and milk products; dairy technicians; custom slaughterers; custom meat facilities; weighmasters; weighers; pesticide applicators; pesticide dealer managers; and pest control consultants are modified to expire on a date to be set by the director. License fees are prorated to accommodate the staggering of expiration dates. Application for renewal of all licenses is required prior to the expiration of each license.

The licenses required for certified feed lots are modified to expire on a date to be set by the director. License fees shall be prorated to accommodate the staggering of expiration dates, and application for renewal of the licenses is required prior to the expiration of each license.

Licensees of certified feed lots are required to immediately report any discrepancies between animals entering a certified feed lot and the brand inspection certificate accompanying the cattle.

The frequency of payment of the fee for each head of cattle handled by a feed lot is changed to monthly, and the director is not to renew a license if timely payments are not received.

No commission merchant shall conduct business until an effective bond or other security is filed with the director. The bonding requirement for all commission merchants is raised to $10,000.

The director is authorized to set renewal dates for commission merchant licenses and to prorate fees to accommodate staggered renewals. The penalty for applications filed after the renewal date is increased from $10 to 25 percent of the license.

Livestock dealers who place orders for cattle on behalf of meat packers may subtract their order buying activity from their annual volume of purchases reported to the director in determining their required bond coverage.

Commission merchants are required to obtain the written approval of a grower before placing the grower's agricultural product in a pooling arrangement, and contracts may not be written so as to require a consignor to give up all involvement in determining the time the consignor's products will be sold.

Commission merchants are required to promptly make available all records of the ongoing sales of the consignor's products and to keep records for three years. On the day final remittance and accounting are made by a commission merchant to a consignor in a pooling arrangement, the commission merchant is required to give the consignor a summary of the records available for that pool.

The licenses required to operate an agricultural warehouse and to operate as a grain dealer are modified to expire on a date to be set by the director. License fees shall be prorated to accommodate the staggering of expiration dates, and application for renewal of all licenses is required prior to the expiration date of each license.

Warehouses may change their rate schedule by giving written notice to the director 30 days in advance of a planned rate change, and by posting the changes at the warehouse.

Votes on Final Passage:

Senate	46	0	
House	93	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 28, 1991

SB 5718

C 20 L 91 E1

Establishing purple heart recipient recognition day.

By Senators Owen, Oke, Rasmussen, Conner, Nelson, Thorsness, Bauer and von Reichbauer.

Senate Committee on Governmental Operations
House Committee on State Government

Background: Many veterans in Washington State are recipients of the Purple Heart, a national decoration for members of the armed forces wounded in combat. The award was originally established by General George Washington in 1782, making it the oldest still in use.

There is no statewide recognition of these recipients' valor.

Summary: August 7 is recognized as Purple Heart Recipient Recognition Day. It is not considered a legal holiday for any purpose.

Votes on Final Passage:

Senate	46	0
First Special Session		
Senate	46	0
House	94	0

Effective: September 29, 1991

SSB 5720
C 94 L 91

Recodifying statutes on motorist information signs.

By Senate Committee on Transportation (originally sponsored by Senators Patterson, Vognild and Nelson; by request of Department of Transportation).

Senate Committee on Transportation
House Committee on Transportation

Background: Logos that are installed on highway rights-of-way are authorized by RCW 47.42, the Scenic Vistas Act, which regulates advertising signs such as billboards located on private property that are visible to interstate and state highways. Since 1974, when they were incorporated into the Scenic Vistas Act, logos have become nationally recognized traffic control devices.

Summary: This legislation moves RCW 47.42.020(10), (11), (13) and (14), 47.42.046, 47.42.047, 47.42.0475, 47.42.052, 47.42.160 and 47.42.170 into Chapter 47.36, Traffic Control Devices. RCW 47.42.160, State Parks Signs, is included because these signs are traffic control devices installed on highway rights-of-way. Adopt-a-highway signs are recodified into RCW 47.36, Traffic Control Devices.

The Department of Transportation must ensure that specific information panels, such as motorist information panels with the words "gas," "food," or "lodging," are installed within nine months of receiving the request for installation from business persons.

Votes on Final Passage:

Senate	46	0	
House	93	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 28, 1991

SB 5722
PARTIAL VETO
C 64 L 91

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

By Senators Oke and Owen; by request of Department of Natural Resources.

Senate Committee on Environment & Natural Resources
House Committee on Natural Resources & Parks

Background: The Department of Natural Resources operates under ten different statutes describing how interest charges will be assessed on items including late payments and interfund loans. Four statutes are very specific as to the amount of interest to be assessed, the source of the data to be used for assessing interest, and the program activity for which it applies. The remaining six statutes allow the Board of Natural Resources and/or the department to establish interest charges and procedures in the Washington Administrative Code.

The current mix of statutes affecting interest policy and procedures does not allow the department to have a consistent and uniform policy throughout the agency. For example, programs within the department have different interest rates for late payment charges. In addition, certain activities which use funds interchangeably and must account for this could presently charge different interest rates when accounting for these funds.

The department has recently drafted a preferred interest policy directing consistent and uniform interest charges for all similar activities throughout the agency. In order for this policy to be fully implemented, four statutes need to be amended to allow for one set of interest policies to be adopted and placed into the Washington Administrative Code. Current department contracts and agreements which specify interest charges will remain in effect until they expire or are renewed.

Summary: RCW 79.90.520 and 79.90.55 are reworded to state that late payment interest charges and related interest guidelines for the activities covered by these statutes are established by the Board of Natural Resources.

RCW 76.04.620 and 76.04.630 are reworded to state that the interest rate for interfund loans will be the same as RCW 79.64.030.

Votes on Final Passage:

Senate	44	0
House	97	0

Effective: July 28, 1991

Partial Veto Summary: Sections are vetoed which would have given the Board of Natural Resources authority to set interest rates for the landowner contingency forest fire account. The rates will continue to be set by the State Treasurer. (See VETO MESSAGE)

ESB 5745
C 287 L 91

Clarifying licensing requirements for special amusement games.

By Senators Moore, Matson, West, McMullen, von Reichbauer, Murray, Stratton, Anderson and Bauer.

Senate Committee on Commerce & Labor
House Committee on Commerce & Labor

Background: The Washington Gambling Commission currently licenses and regulates amusement games

within the state. "Amusement game" is defined as a game played for entertainment in which: the contestant actively participates; the outcome depends in a material degree upon the skill of the contestant; only merchandise prizes are awarded; the outcome is not in the control of the operator; and the game is administered in the presence of participants. These games include Fishpond, Hoop Toss, Football and Basketball Toss, Skeet Ball, etc. Amusement games may only be conducted at locations specifically authorized by the Gambling Commission which include: agricultural fairs; civic centers of a county, city or town; world's fairs; annual civic festivals; annual shopping center expositions (limited to 17 days); and amusement parks.

Under the Gambling Commission's existing guidelines, shopping mall amusement centers are not permitted to conduct amusement games on a continual basis throughout the year.

Summary: The Gambling Commission's existing regulations regarding the permissible location of amusement games are codified, to include: agricultural fairs; civic centers of a county, city or town; world's fairs; annual civic festivals; annual shopping center expositions (limited to 17 days); and amusement parks.

The list of permissible locations in which amusement games may be conducted is expanded to include: a location that holds a liquor license and prohibits minors on the premises; movie theaters, bowling alleys, miniature golf facilities and amusement centers; an on premise food service establishment which includes at least three of the following activities: amusement devices, theatrical productions, mechanical rides, motion pictures, and slide show presentations; and a regional shopping center developed and operated for retail sales consisting of more than 600,000 gross square feet.

Regional shopping centers, movie theaters, bowling alleys, miniature golf facilities, and food service establishments that conduct amusement games are required to: provide adult supervision; prohibit school age minors from entry during school hours; maintain full-time security and maintenance personnel and prohibit minors from playing amusement games after 10:00 p.m.

Amusement games may only be conducted in a location upon conformance with local zoning, fire and health regulations, and provided operators have obtained the written permission of the organization owning the premises or sponsoring the event in which the games are operated.

Votes on Final Passage:

Senate	43	2	
House	86	12	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 28, 1991

ESSB 5756

C 272 L 91

Providing rate regulation for low-level waste sites.

By Senate Committee on Energy & Utilities (originally sponsored by Senators Hayner, Jesernig and Thorsness; by request of Utilities & Transportation Commission).

Senate Committee on Energy & Utilities
Senate Committee on Ways & Means
House Committee on Energy & Utilities

Background: Federal legislation passed in 1980 allowed states to form compacts for the purpose of collectively finding solutions to the problem of disposing commercial low-level radioactive waste. Amendments to the federal legislation were passed in 1985 when certain enforcement mechanisms in the original legislation proved ineffective.

Washington is the host state for the Northwest Interstate Compact on Low-Level Radioactive Waste. Other compact members include the states of Alaska, Hawaii, Idaho, Montana, Oregon and Utah.

The Hanford facility is located on federal land leased to the state and then subleased to the operator of the site. This facility is scheduled to remain open after 1992, when federal law requires all states to develop their own sites or form compacts to develop a collective site. Of the three operating sites in the nation, only Hanford will remain open after 1992.

Beginning in 1993 the Hanford site is expected to be the only disposal option for in-region generators of this type of waste material. Entities generating this type of waste include industrial facilities, commercial power plants, hospitals, research universities, and biomedical research firms.

Summary: If the Washington Utilities and Transportation Commission (WUTC) finds that a monopoly situation exists for disposal of commercial low-level radioactive waste, the WUTC is directed to regulate the disposal rates for low-level radioactive waste.

By March 1, 1992, a low-level radioactive waste disposal site operator is directed to file a request with the WUTC for an initial maximum disposal rate, with the rate to be effective January 1, 1993. The maximum disposal rates are to be adjusted every six months. Disposal site operators may contract with waste generators for lower disposal rates. Provisions are made for allowing different disposal rates for extraordinary volumes of waste.

Conditions are outlined defining when a monopoly situation exists for disposal of low-level radioactive waste. The disposal site operator may petition the WUTC to be classified as competitive. If classified as

competitive, the disposal site operator shall be exempt from WUTC regulation.

The basic rate of business and occupation tax on entities disposing of low-level radioactive waste is reduced from 15 percent to 10 percent on the day the bill is signed. The rate is further reduced to 5 percent on January 1, 1992, and then to 3 percent on July 1, 1993.

Beginning in 1993, a surcharge of $6.50 on each cubic foot of low-level radioactive waste disposed in the state is made on the generator of such waste. The surcharge will be distributed as follows: in 1993, the entire amount to the host county; in 1994, $3.25 to the host county and $3.25 to a Hanford area economic investment fund established in the custody of the State Treasurer; and in 1995 and thereafter, $2.00 to the host county and $4.50 to the economic investment fund. Disbursements from the fund may only be made on authorization of the director of the Department of Trade and Economic Development or the director's designee. The authorization to collect a surcharge will be invalidated if the Legislature or any administrative agency, prior to January 1, 1993, imposes new fees or increases existing fees on the site operator or generators of waste using the disposal facility.

Effective January 1, 1993, a committee is created to make recommendations to the director of the Department of Trade and Economic Development on projects eligible for funding from the Hanford area economic investment fund. "Hanford area" is defined as Benton and Franklin counties. The committee is to consist of 11 members, with representation from local elected officials, local ports, labor and business. Terms of membership are specified.

When determining the leasehold excise tax for subleased lands on the Hanford reservation, "taxable rent" is defined to only include the annual cash payment made by the subleasing entity to the Department of Ecology.

Votes on Final Passage:

Senate	45	4	
House	97	0	(House amended)
Senate	34	5	(Senate concurred)

Effective: May 20, 1991 (Section 15)
July 1, 1991 (Sections 1-14, 22)
January 1, 1993 (Sections 16-21, 23)

SSB 5762

C 150 L 91

Financing water company safety improvements.

By Senate Committee on Energy & Utilities (originally sponsored by Senators Hayner, Cantu and Thorsness).

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: The Utilities and Transportation Commission regulates the rates of privately-owned water companies with 100 or more connections or with average annual gross revenues of $300 per customer or more. State law generally permits a regulated water company to recover capital construction costs only after the capital improvement is in service. The UTC may, however, permit a regulated water company to fund a capital reserve account out of its rates exclusively for the purpose of making capital improvements approved by the Department of Health as part of a long-range plan, or required by the department to assure compliance with state or federal drinking water regulations. Expenditures from this fund are subject to prior approval by the UTC. Other health and safety expenditures, such as those required by the Department of Ecology to maintain dam safety, may not be funded under this mechanism because of the narrow language in the statute. This limits the ability of small water companies to finance required improvements.

Summary: The Utilities and Transportation Commission may provide for the funding of a reserve account by a regulated water company to perform construction or maintenance required by the Department of Ecology under the director's statutory authority to secure safety to life and property.

Votes on Final Passage:

Senate	43	0
House	94	1

Effective: July 28, 1991

SB 5766

C 346 L 91

Creating an academic excellence program for at-risk youth.

By Senators Pelz, Bailey, Rinehart, Erwin, Murray, Anderson, A. Smith, Newhouse, Stratton and Bauer.

Senate Committee on Education
House Committee on Education

Background: Research findings indicate that among at-risk youth a disproportionate number of minority youth

are affected by substance abuse, gang activity, unemployment and teen pregnancy. Current programs may not be adequately addressing the needs of at-risk minority youth. A model program targeted at minority at-risk youth is one way to explore strategies to respond to the needs of such youth.

Summary: The Superintendent of Public Instruction is the lead agency, working with the Employment Security Department, the Department of Social and Health Services, and the State Board for Vocational Education, in developing and administering Project DREAM (Dare to Reach for Educational Aspirations and Marks), a pilot program for academic excellence for underachieving, at-risk students. The program is not limited to but must focus on serving minority students.

Students eligible to participate are those age 14 through 21 who: are one or more grade levels behind in basic skills or have not graduated from high school or successfully completed the general educational development test; have violated building or district rules of conduct at least three times in the same school year; are parents or are pregnant; are from an historically disadvantaged group; and have a family income level below the median level for the state.

Project DREAM is initially limited to the school districts of Seattle, Tacoma, Spokane, Yakima and Pasco. The program begins the school year following receipt of federal funds by the Superintendent of Public Instruction for the program, and ends at the completion of the fourth school year following implementation of the program.

The participating districts under Project DREAM must provide: academic counseling and outreach; parent and family outreach; employment/vocational counseling and training; substance abuse awareness and counseling and treatment as necessary; teen pregnancy/parenting counseling; and positive self-image building.

The participating districts are responsible for screening, training, and employing adult supervisors for the participating students. Adult advisors are responsible for working with no more than 15 at-risk students, meeting weekly with each student and bi-weekly with each student's teachers, school counselor, parents/guardians, and family members; and facilitating each student's contact with health care providers, vocational counselors, job service centers, and job interviews. A person does not have to possess a teacher or educational staff associate certificate to be an adult advisor.

Participating students are responsible for complying with all regulations governing participation, meeting weekly with their adult advisor, and maintaining a personal written or audio portfolio, attending all programs, seminars, and training sessions arranged by their advisor, and maintaining regular attendance at school, work, or both.

The participating districts design the specific local program under Project DREAM. Districts must consider certain activities in designing the local program, including working with the job service centers and the Department of Social and Health Services. Districts submit an annual report to the Superintendent of Public Instruction on the effectiveness of their programs.

The Superintendent of Public Instruction submits an annual report to the Legislature on Project DREAM, beginning December 1 of the second school year following implementation of the program. The SPI reports include the total number of students that have participated and the success of the local programs.

The Superintendent of Public Instruction is directed to organize a speakers' bureau, including prominent minority role models, meet with community and business leaders to market Project DREAM, and coordinate with other state and local agencies a centralized data base of preexisting services that can meet the purposes of Project DREAM.

Identified state agencies involved with the SPI in Project Dream are required to assist with necessary technical support for participating districts.

Votes on Final Passage:

Senate	43	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 30, 1993 (only if funds are made available and received)

SB 5767

C 74 L 91

Permitting public utility districts to borrow from or establish credit with any financial institution.

By Senators Sellar, Pelz and von Reichbauer.

Senate Committee on Financial Institutions & Insurance
House Committee on Local Government

Background: Public utility districts (PUDs) are currently authorized to contract indebtedness or borrow money for any corporate purpose on its credit or on revenue it receives. One method used by the PUDs for various financing purposes is the establishment of a line of credit. In general, a line of credit is extended to a particular organization by entering a formal arrangement with a financial institution to authorize drafts up to a specified limit.

Some concern has been expressed that current state law is not clear on whether PUDs must obtain lines of

credit from state qualified depository institutions or any financial institution. Concern has also been expressed that there is a lack of state qualified depository institutions that can fund larger lines of credit.

Summary: Public utility districts may establish lines of credit or other prearranged agreements with any financial institution.

Votes on Final Passage:

Senate	45	0
House	95	0

Effective: July 28, 1991

ESSB 5770

C 122 L 91

Authorizing obtaining electrical supplies through conservation and generation.

By Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness and Saling).

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: The Northwest Electric Power and Conservation Planning Council has issued a draft plan to guide power planning in the region for the next 20 years. The plan states that the region's electrical power surplus of the 1980's is gone, and that a number of strategies should be pursued in order to acquire additional electrical resources to insure an adequate and reliable supply into the next century. Two of these strategies are: the acquisition of all cost-effective conservation and efficiency--including approximately 660 megawatts in the commercial and industrial sector in the next 10 years; and the review by public service commissions of their regulatory policies to insure that utilities receive appropriate rate treatment in pursuing generating resources.

Privately-owned electrical utilities operating in Washington are regulated by the Utilities and Transportation Commission. The rates authorized by the UTC are based on a rate of return on the fair value of the property "used and useful for service." The Supreme Court has interpreted this statutory language to mean that capital construction costs of privately-owned utilities cannot be used by the UTC in setting rates until construction is completed and the facility is in service. It is contended that this is an impediment to obtaining major new generating resources, and ultimately increases the costs to the customer because of higher financing costs. Nonregulated utilities do not have this statutory constraint.

In 1990, the Legislature modified the State Energy Code with regard to new residential construction, requiring more energy-efficient homes. It did not amend existing provisions with regard to nonresidential buildings, which were adopted by the Legislature in 1985. Existing law simply requires adoption of a nonresidential code for new buildings that is designed to achieve a 10 percent reduction in energy consumption relative to buildings constructed under the previous code adopted in 1980.

Summary: The Legislature finds that the state is facing an energy shortage that will have a harmful impact on its citizens; energy efficiency is the most effective near term measure to lessen the risk of shortages; and the Northwest Power Planning Council has recommended both empowering utility commissions with more rate-making flexibility and updating the commercial building energy code.

The Utilities and Transportation Commission, in determining what property is used and useful for rate making purposes, may include the reasonable costs of construction work in progress for electric, gas, and water companies to the extent that it finds the inclusion to be in the public interest.

The 1986 edition of the Washington State Energy Code is declared the minimum code for new nonresidential buildings. The Building Code Council is authorized to amend that code, provided that the amendments increase energy efficiency for typical new nonresidential buildings, and the new measures are technically feasible, commercially available, and cost-effective to owners and tenants. The council must define cost-effective. In developing any amendments to the code, the council must establish and consult with a technical advisory group with a broad range of interests represented, as specified. Decisions to amend the code must be made by the council by December 15 of any year, and shall not take effect until the end of the regular legislative session of the next year. Any disputed provisions within an amendment presented to the Legislature must be approved by the Legislature before going into effect. A disputed provision is defined as one adopted by the Building Code Council with less than a two-thirds majority vote. Substantial amendments may be adopted no more frequently than every three years.

Votes on Final Passage:

Senate	35	14	
House	95	1	(House amended)
Senate	30	16	(Senate concurred)

Effective: July 28, 1991

SSB 5776

C 192 L 91

Regulating alcoholic beverages.

By Senate Committee on Commerce & Labor (originally sponsored by Senator McMullen).

Senate Committee on Commerce & Labor
House Committee on Commerce & Labor

Background: It is unlawful to sell liquor without a license or permit from the Liquor Control Board. "Sell" is defined broadly to include supplying or distributing liquor by any means whatsoever. Therefore, it is technically unlawful for an individual to give liquor as a gift to another individual.

State law currently defines table wine as any beverage containing less than 14 percent alcohol by volume. Fortified or dessert wine is defined by the state as any beverage fortified with wine spirits such as port, sherry, muscatel and angelica, containing equal to or more than 14 but not greater than 24 percent of alcohol by volume. Federal law currently defines table wine as any beverage containing no more than 14 percent of alcohol by volume, while fortified or dessert wine is defined as any beverage fortified with wine spirits containing more than 14 but not greater than 24 percent of alcohol by volume.

Domestic wineries that have shipped wine to out-of-state wholesalers may not have its unsold wine returned for possible sale within the state.

Under the current policy of the Liquor Control Board, domestic wineries desiring to make sparkling wines are allowed to ship wine out of the state to complete the process of making sparkling wine. The wine may then be shipped back to be sold by the domestic winery. A domestic winery is not required to obtain a separate license to conduct such activity.

Summary: An individual not licensed by the Liquor Control Board may give liquor to another individual, also not licensed by the board, for personal use only.

Table wine is defined as any beverage containing no more than 14 percent of alcohol by volume. Fortified wine is defined as any wine containing more than 14 but not greater than 24 percent of alcohol by volume. These changes make the state's definitions of table wine and fortified wine consistent with federal law.

Domestic wineries are allowed to have their unsold wine returned for possible sale within the state.

The Liquor Control Board's current policy allowing domestic wineries to ship wine out of state to make sparkling wine is codified.

Nonprofit organizations are allowed to provide unopened containers of beverages containing alcohol as prizes at raffles if the appropriate permit has been obtained from the Liquor Control Board.

Votes on Final Passage:

Senate	44	4	
House	95	3	(House amended)
Senate	44	1	(Senate concurred)

Effective: July 28, 1991

SB 5778

C 263 L 91

Requiring persons filing reports of pesticide damage to cooperate with the department of agriculture.

By Senators Newhouse and Hansen.

Senate Committee on Agriculture & Water Resources
House Committee on Agriculture & Rural Development

Background: Concern has been expressed over the ability of the Department of Agriculture to conduct pesticide damage report investigations. Currently, claimants are not required to allow the department access to the property alleged to have been damaged in the pesticide damage report.

Summary: A person filing a report of loss with the Department of Agriculture is required to cooperate with the department or the department's representative in conducting an investigation of the report. Failure to cooperate will result in the claim not being acted on by the department.

Votes on Final Passage:

Senate	42	0
House	94	0

Effective: July 28, 1991

SB 5779

C 65 L 91

Requiring direct appropriations to the school for the deaf and the school for the blind.

By Senators Bauer, Rinehart, Bailey and Sutherland.

Senate Committee on Education
House Committee on Appropriations

Background: Appropriations for the School for the Deaf and the School for the Blind are made to the Office of the Superintendent of Public Instruction. The amounts are specified and may not be used for any other purposes. The moneys are transferred from the Superintendent of Public Instruction to the School for the Deaf and the School for the Blind at the request of each school's superintendent.

Summary: The School for the Deaf and the School for the Blind are allowed to receive their money directly through the state operating budget.

Votes on Final Passage:

Senate	43	0
House	96	0

Effective: July 1, 1991

ESSB 5790

C 25 L 91 E1

Concerning automobile liability insurance.

By Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Pelz, Moore, Vognild, Rasmussen, McCaslin, Johnson and West).

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: Washington's financial responsibility laws require insurance or bond to lawfully operate a motor vehicle. Mandatory auto insurance laws passed in 1989 require not only insurance coverage but also that motorists provide proof of that insurance by carrying an insurance identification card.

As applied by the judicial system, the current laws are disparately enforced, resulting in the assessment of either fines of $250, penalties for a traffic infraction of $47 or both, in addition to other court costs and assessments. Some motorists charged under this law pay up to $475 in some jurisdictions, while others pay $47.

Concern has been expressed that the current laws should be clarified to make the penalty uniform while continuing to require proof of insurance as an incentive to prevent uninsured motorists from using Washington's roadways.

Summary: A motorist must provide written proof of financial responsibility for motor vehicle operation when asked to present it by a law enforcement officer. This applies to operators of vehicles registered in other states as well.

Failure to provide proof of motor vehicle insurance is a traffic infraction, the penalty for which will be set by the Supreme Court.

If a person is cited and provides proof in writing to the court that the person was in compliance with the financial responsibility laws when cited, the citation is dismissed. This proof may be submitted by mail. The court may order costs of $25 be paid when citations are dismissed.

Votes on Final Passage:

Senate	45	2	
First Special Session			
Senate	40	6	
House	94	0	(House amended)
Senate			(Senate refused to concur)
House	92	0	(House amended)
Senate	39	4	(Senate concurred)

Effective: September 29, 1991

SSB 5796

C 16 L 91

Making major changes to nursing assistant licensure.

By Senate Committee on Health & Long-Term Care (originally sponsored by Senator Niemi).

Senate Committee on Health & Long-Term Care
House Committee on Health Care

Background: The regulation of nursing assistants is codified in three separate chapters of law (Chapters 18.52A, 18.52B and 18.88A RCW). Chapter 18.52A RCW provides for the qualifications and training requirements of nursing assistants working in the state's nursing homes or rural hospital wings operating nursing home swing beds. Chapter 18.52B RCW provides for certification of nursing assistants. Chapter 18.88A RCW establishes a certification and registration program for nursing assistants working in a health care facility. This directs the state Board of Nursing to determine minimum educational requirements, define and approve experience requirements, and other activities associated with certification of nursing assistants. The three separate acts have caused confusion in the regulation of this profession.

In 1989 the Legislature authorized until January 1, 1990 a grandfather provision. This allowed the Board of Nursing to certify a person to practice as a nursing assistant if the person met commonly accepted standards of education and experience as a nursing assistant. However, many registered nursing assistants were not notified of the law permitting them to upgrade their credentialing to certification.

Summary: Chapters 18.52A and 18.52B are each repealed. The two levels of nursing assistants (certified and registered) are maintained. The state Board of Nursing is directed to determine minimum educational requirements, approve training programs, administer the certification examination, define experience requirements and implement the continued competency evaluation program. The Secretary of Health has general authority to administer the regulatory act and is the disciplinary authority.

Certification is voluntary for nursing assistants working in health care facilities unless otherwise required by state or federal requirements. The state Board of Nursing is required to promulgate rules regarding the scope of practice of nursing assistants. Exemptions from regulation are included for those regulated under other practice acts, employees of the federal government and students.

The grandfather date allowing nursing assistants to become certified is extended from January 1, 1990 to December 31, 1991. Credentialing by endorsement is authorized. The Secretary of Health is required to establish procedural requirements and fees for renewal of registrations and certifications. A person who allows his or her certification to lapse for more than three years shall demonstrate competence to the satisfaction of the board.

Votes on Final Passage:

Senate	48	0
House	95	0

Effective: July 28, 1991

ESB 5801

C 342 L 91

Revising state highway routes.

By Senators Patterson and Vognild.

Senate Committee on Transportation
House Committee on Transportation

Background: The Road Jurisdiction Study, Phase 1 Report, dated September 1990 makes recommendations for additions, deletions and revisions to the state highway system. These recommendations are the result of an evaluation process that utilized the criteria passed by the Legislature last year. In addition, the report recommends several funding mechanisms to alleviate the financial impact on certain cities and counties experiencing a net gain in cost responsibility.

Summary: Additions, deletions and revisions to the state highway system are made in conformance with a portion of the recommendations of the Road Jurisdiction Report dated September 1990.

The following bridges that are on roads transferred to local jurisdictions remain the responsibility of the state: S. Fork Skykomish River; Manette Bridge; Ebey Slough Bridge; Grays River (Rosburg); and Elochoman.

Two funding assistance programs are created. The Transfer Relief Program, funded out of an "off the top" allocation of fuel tax, provides one-time funding assistance for the cities and counties with a net gain in cost responsibilities due to the transfers under this act. The program is administered by the Local Programs Division of the Department of Transportation. The program begins April 1, 1992 and sunsets March 31, 1996. An appropriation of $2.5 million is made to Local Programs for the 1991-93 biennium to implement the program. Over the four-year period approximately $6 million is generated with approximately $2.5 million allocated to cities and $3.5 million to counties. The Local Programs Division is to cooperate with the Association of Cities and the Washington State Association of Counties in promulgation of rules.

The second funding assistance program is the Cities Hardship Assistance Program. The 16 cities of 15,000 population or less that experience a net gain in cost responsibility may apply for funding for rehabilitation projects on streets acquired under this act. Cities of 20,000 population or less that experience extraordinary costs due to transfers other than those contained in this act may also apply for assistance. It is a permanent program that is funded out of a portion of the cities normal distribution of fuel tax beginning April 1, 1992. The program is administered by the Transportation Improvement Board (TIB). TIB is to develop rules based on the Road Jurisdiction Committee findings and must report to the Legislative Transportation Committee by August 1, 1991. An appropriation of $750,000 is made to TIB for the 1991-93 biennium for this program. The allocation generates $750,000 the first biennium and approximately $1.2 million per biennium thereafter.

Future proposed jurisdictional transfers will be reviewed by the TIB. Beginning September 1, 1991, state and local jurisdictions may petition the board for review. TIB shall evaluate the proposal according to the criteria set out in statute and forward its recommendations to the Legislative Transportation Committee annually commencing November 15, 1991. TIB is required to submit its proposed rules to the LTC for review by August 1, 1991.

Unexpended monies contributed by the counties and cities from their normal distribution of fuel tax for mutually beneficial studies revert back to the counties and cities at the end of each biennium.

A task force is created to examine the population threshold at which cities and towns must assume additional responsibility for their streets that are part of the state highway system.

Votes on Final Passage:

Senate	48	0	
House	91	2	(House amended)
Senate	42	1	(Senate concurred)

Effective: June 1, 1991 (Sections 62 and 63)
April 1, 1992

SSB 5806

C 4 L 91

Authorizing loans and grants to preserve underground petroleum storage tanks in rural areas.

By Senate Committee on Transportation (originally sponsored by Senators Patterson, Matson, Hansen, Vognild, Snyder, Barr, Hayner, Newhouse, Owen, Oke, Metcalf, Jesernig, Madsen, Conner, McMullen, Sellar, Johnson, Bailey and L. Smith).

Senate Committee on Transportation
House Committee on Financial Institutions & Insurance

Background: In 1984, Congress enacted legislation to regulate underground storage tanks (UST's) containing petroleum products. The legislation directed the Environmental Protection Agency to develop a comprehensive regulatory program governing UST's including standards for improving or upgrading UST's, correcting pollution from leaks from UST's, and for obtaining liability insurance or an acceptable insurance substitute covering liability for clean-up and third party damages. These regulations were adopted over the past few years and compliance with various parts of the regulations is required at different times over the next eight years. The state has adopted parallel statutory and regulatory provisions.

In large part because of the financial consequences of these statutes and regulations, many owners and operators of UST's have decided to discontinue use of UST's. For example, many gasoline stations have been unable to afford a combination of the costs of insurance, tank replacement, and cleanup costs and have therefore chosen to close their businesses. The closure of gasoline stations in rural areas may have the effect of limiting local community access to fuel. Small local government entities have similarly been unable to afford compliance with environmental regulations governing UST's. Rural hospitals which maintain backup power generators supplied by fuel from UST's also cannot afford compliance.

Summary: The director of the Pollution Liability Insurance Agency (PLIA) must establish and manage a program for providing financial assistance to public and private owners and operators of underground storage tanks (UST's) that have been certified by the governing body of the county, city, or town in which the UST's are located as meeting vital local government, public health and safety needs. The director must consult with the Technical Advisory Committee created for the PLIA Insurance Program in adopting rules and reviewing applications for financial assistance.

Financial assistance cannot be provided unless owners and operators, including local government owners and operators, demonstrate serious financial hardship. Assistance is limited to that amount necessary to supplement owner and operator financial resources and cannot exceed $150,000. No more than $75,000 can be expended for cleanups.

The director may provide financial assistance only for cleanups and UST upgrades. If it appears that cleanup costs will exceed $75,000, no financial assistance may be provided until the owner or operator develops and implements a cleanup plan with the Department of Ecology. When requests for assistance exceed available funds, the director must give preference to assisting UST sites that constitute the sole source of petroleum products in remote rural communities.

Private owners and operators who retail petroleum products may qualify by filing an application with PLIA requesting insurance and financial assistance; by obtaining a certification from the appropriate local government entity that the continued operation of the private UST site meets vital local government, public health and safety needs; and by qualifying for PLIA insurance coverage should the assistance be granted. The local government must find that other retailers are far from the local community and the owner or operator is capable of faithfully fulfilling promises required in exchange for assistance.

In consideration for state financial assistance, a private retailer of petroleum products must agree to sell petroleum products to the public; must maintain the UST site for retail sales for a period of 15 years; must enter into an agreement with the local government to supply petroleum products at a negotiated price on a cost-plus basis; and must maintain compliance with environmental regulations. The agreement must be filed as a real property lien against the UST site. If the property is transferred, the new owner and operator must comply with the agreement. If the agreement is breached, the owner and operator who received assistance must immediately repay the state for assistance.

Local government entities may qualify for assistance by filing an application with PLIA requesting insurance and financial assistance; by producing a resolution from the appropriate governing body of a city, town, or county finding that the continued operation of the local government UST's meets vital local public health, education, or safety needs; and by qualifying for PLIA insurance should assistance be provided. The director may authorize funding of a new local government UST site and funding for closure of existing operational UST sites if the local government is consolidating several operational sites.

Rural hospitals may qualify for assistance by filing an application with PLIA requesting insurance and fi-

nancial assistance; by obtaining a certification from the appropriate local government body that the continued operation of the UST is needed for vital local health and safety needs; and by qualifying for PLIA insurance should assistance be provided. In addition, the rural hospital must agree to provide charity care in the local community in an amount equivalent to the state assistance provided. Such charity care must be provided over a period of time determined by the director in consultation with the Department of Health.

Revenue to fund financial assistance is provided by authorizing the director to set aside additional reserves from the petroleum products tax which funds the PLIA Insurance Program to the extent such additional reserves do not jeopardize the insurance program. The director may immediately set aside $5 million for financial assistance. Total funding for the assistance program cannot exceed $15 million.

Votes on Final Passage:

Senate	43	0	
House	94	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: March 29, 1991

SB 5821

C 125 L 91

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

By Senators Craswell, Owen and Oke.

Senate Committee on Environment & Natural Resources
House Committee on Environmental Affairs

Background: There are nine local air pollution control authorities (agencies) in the state, covering 25 of the 39 counties. Fourteen counties do not have local authorities and their air quality programs are administered by the Department of Ecology.

The state Clean Air Act permits the formation of single and multi-county and/or regional air pollution control authorities.

The act establishes procedures for forming as well as dissolving single or multi-county air authorities. There are no provisions for allowing a county to withdraw from a multi-county authority.

Four counties have elected to have their own single county authority -- Spokane, Yakima, Douglas and Grant counties.

Summary: Any county that is part of a multi-county air authority under provisions of the state Clean Air Act may withdraw from a multi-county air authority after January 1, 1992. The county may create its own authority, join or form another multi-county authority or choose to be inactive and delegate the responsibility to the Department of Ecology.

Provisions are made for division of liabilities and assets. If the county withdraws, existing regulations of the multi-county authority are to remain in effect until superseded by new rules.

Votes on Final Passage:

Senate	37	9	
House	97	0	(House amended)
Senate	34	4	(Senate concurred)

Effective: July 28, 1991

ESB 5824

C 353 L 91

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

By Senators Saling, Stratton, Patterson and Bauer.

Senate Committee on Higher Education
House Committee on Higher Education
House Committee on Appropriations

Background: In the early 1980s when the level of state-funded student enrollment at community colleges was severely reduced, some community colleges began a practice that is known as contemporary contracting. Since then, the extent of contemporary contracting has greatly increased.

Contemporary contracting entails: exceeding state-funded full-time equivalent enrollment limits (the enrollment lid) by essentially contracting with individual students; charging only statutory tuition and fees (23 percent of the direct and indirect costs); and retaining these monies at the local college level.

Given the reduced level of funding provided by contemporary contracting, concerns have been raised regarding the effect of contemporary contracting upon the quality of education. Concerns have also been raised about the legality of the practice.

Summary: Community college districts may vary from the state-funded enrollment levels by plus or minus 2 percent unless otherwise provided in the budget. If the community college chooses to over-enroll, it may retain the tuition and fees from the over-enrolled students.

By September 1, 1995, community colleges must phase out enrollments in excess of this limitation. The phasing out must be in equal annual reductions.

If the community college fails to phase out the excess enrollments, it shall pay the full average state ap-

propriation per full-time equivalent student for each full-time equivalent in excess of the phase out limit.

The State Board for Community College Education must ensure compliance with the limitations.

Community college districts may operate self-supporting summer programs. If a community college district chooses to operate a self-supporting summer program, it must charge enough to cover the direct cost of summer school which is defined as instructor salaries and benefits, summer school supplies, summer school publications and summer school records.

In the event a community college district chooses to operate a self-supporting summer program, it will continue to receive general fund state support for the following: vocational programs requiring students to enroll in a four-quarter sequence of courses that includes summer quarter for clinical or laboratory requirements; and ungraded courses defined as vocational apprenticeships, adult basic education, aging and retirement, small business management, industrial first aid, and parent education.

Community college districts choosing to operate a self-supporting summer program are not required to follow the tuition schedule set by statute for summer sessions.

Votes on Final Passage:

Senate	32	17	
House	92	5	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	98	0	
Senate	30	11	

Effective: June 15, 1991

ESSB 5825

C 221 L 91

Restricting offenders' possession of firearms.

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Madsen, Thorsness, Erwin, Rasmussen, Oke and L. Kreidler; by request of Department of Corrections).

Senate Committee on Law & Justice
House Committee on Human Services

Background: The Department of Corrections' community corrections officers currently supervise felon offenders in the community with increased emphasis on home and field contacts. These officers are finding that a growing number of the offenders under supervision are in possession of firearms or ammunition in violation of state and/or federal law. Concerned with community and officer safety, the Department of Corrections recommends that offenders under supervision be prohibited from possessing firearms or ammunition.

Summary: As a sentence condition and requirement, offenders sentenced to terms involving community supervision, community service, or community placement under the Department of Corrections may not own, use, or possess firearms or ammunition.

Offenders found in actual or constructive possession of firearms or ammunition are subject to the appropriate violation process and sanctions.

Firearms or ammunition owned, used, or possessed by offenders may be confiscated by community corrections officers and turned over to local law enforcement agencies for disposal as provided by law.

Votes on Final Passage:

Senate	46	0	
House	87	0	(House amended)
Senate			(Senate refused to concur)
House	96	0	(House receded)

Effective: July 28, 1991

2SSB 5830

C 296 L 91

Creating gang risk intervention pilot programs.

By Senate Committee on Ways & Means (originally sponsored by Senators Stratton, Erwin, Rasmussen, Williams, Talmadge, Wojahn, Vognild, Pelz, Snyder and Owen).

Senate Committee on Children & Family Services
Senate Committee on Ways & Means
House Committee on Human Services

Background: Intensification of youth gang involvement, with its accompanying crime and violence, increasingly threatens not only the property and safety of the citizens of Washington, but the future of the youth themselves. Local government, law enforcement and the educational system are increasingly overwhelmed by efforts to cope with the many social, business and criminal justice costs arising from youth gang activities.

Other jurisdictions have attempted creative statutory approaches to youth gang risk intervention, such as cultural awareness programs, targeted counselling efforts and special business and job apprenticeship mentoring. In a social matrix where traditional educational and counselling methods have proved ineffective, many creative new ideas are being tried throughout the country.

Summary: A youth gang violence reduction program is established to develop a positive prevention and inter-

vention pilot program for elementary and secondary school youth. The program utilizes multi-agency cooperation, along with efforts of business and local government.

The Department of Community Development may contract with school districts, developing proposals to curtail violence and reduce drop-out rates, by using broad-based community and business support, and a "retreat" format. The gang risk prevention and intervention pilot program will include the elements of: counselling for targeted at-risk students, including their parents and families; exposure to positive sports and cultural activities; job and job search training; positive interaction with law enforcement; and cultural awareness retreats at facilities provided by the division of juvenile rehabilitation.

The Department of Labor and Industries will provide assistance with apprenticeship programs, including application help and a joint apprenticeship mentor program, presented at cultural awareness retreats.

The Employment Security Department will provide job counselors to assist at cultural awareness retreats, providing information and testing, and coordinating the involvement of small business owners and corporate managers in a business mentor program.

The act is contingent upon funding in the Omnibus Appropriations Act.

Votes on Final Passage:

Senate	49	0
House	98	0

Effective: This act is null and void since no appropriation was made in the budget.

SB 5834

C 184 L 91

Updating archiving methods.

By Senator McCaslin; by request of Secretary of State.

Senate Committee on Governmental Operations
House Committee on State Government

Background: For many years, the State Archivist has had statutory authority to manage the state's archives, including establishment of retention schedules for public records. The most common forms of records have been paper, microforms, and some durable fabrics. With recent advances of information technology, especially the new techniques of optical imaging, two uncertainties have arisen.

The first is whether any challenge can be raised about acceptable forms of documents, including electronic and optical images. The second is that the optical imaging industry is just beginning to develop comprehensive standards for the quality and performance of equipment, software, and the ability to utilize all types of electronic systems.

Over the last three years, a working group composed of representatives from the State Archivist's office, state agencies and local records officers have made several recommendations to clarify the authority of the office.

Summary: The rule-making authority of the State Archivist is expanded to allow development of standards for creation, transmission and reproduction of all forms of public documents or records, consistent with the acquisition standards of the Department of Information Systems.

Votes on Final Passage:

Senate	45	1	
House	95	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 28, 1991

SSB 5835

C 75 L 91

Giving the parks and recreation commission responsibility for signs on aerial ski lifts.

By Senate Committee on Law & Justice (originally sponsored by Senators Sellar, Talmadge and Nelson).

Senate Committee on Law & Justice
House Committee on Natural Resources & Parks

Background: An operator of a ski area is required to maintain a sign system to protect skiers from injuries. State law requires the sign system to be based on international and national standards; however, the same state statute also sets forth numerous requirements on the types and contents of the sign system. The result is that details of the state sign system for skiers may be inconsistent with international and national standards.

It is suggested that such inconsistencies can be eliminated by having the Parks and Recreation Commission develop rules for a sign system for the operators of the ski area.

Summary: The Parks and Recreation Commission is authorized to adopt rules relating to a sign system for ski areas and for other recreational devices. The specific statutory requirements of the state sign system for ski areas are eliminated.

Votes on Final Passage:

Senate	46	0
House	96	0

Effective: July 28, 1991

ESSB 5837

C 246 L 91

Revising provisions for industrial insurance and employment compensation coverage.

By Senate Committee on Commerce & Labor (originally sponsored by Senators Anderson, Owen, Snyder and Matson).

Senate Committee on Commerce & Labor
House Committee on Commerce & Labor

Background: Under both industrial insurance and unemployment compensation laws, virtually every employee is covered but independent contractors and corporate officers are not. Many contracting and employment situations make it difficult to determine whether there is an employer/employee relationship or whether the service is being provided by an independent contractor. Business organizations and the duties of corporate officers are so varied that it is difficult to devise a definition that is workable.

Sole proprietors and partners are generally not covered by industrial insurance, except that building contractors and licensed electricians who registered or became licensed after July 26, 1981 are covered unless they take positive steps to withdraw from coverage.

Summary: The definitions of "worker" and "employer" are amended to include a six-part test that determines when services are performed by an independent contractor, and that no employer-worker relationship exists: (a) the individual performing the services is free from direction and control from the person purchasing the services; (b) the service performed is outside the usual course of business for the entity the service is performed for; (c) the individual is customarily engaged in the trade or business of the nature involved in the particular contract, or the individual has a place of business for that type of business that qualified for a business deduction for federal income tax purposes; (d) the individual is responsible for filing a schedule of expenses with the Internal Revenue Service for the type of business involved; (e) the individual has established an account with state agencies for the payment of taxes normally paid by such businesses; and (f) the individual is maintaining a separate set of books for the business.

Corporate officers are among the list of employments excluded from industrial insurance coverage. The definition of corporate officer is amended to indicate they must be voluntarily elected or appointed, that they must also be director and shareholder, and exercise substantial control in the daily management of the corporation, and that their duties do not include manual labor.

In the case of corporations that are not public companies, they may name up to eight officers who meet a less stringent test, or may exclude any number of officers under the test applicable to public corporations.

The list of excluded employments is expanded to include newspaper carriers and insurance agents and brokers.

The definition for services performed by an independent contractor, rather than as employment subject to the unemployment compensation law, is expanded to include that same six-part test which is added to the industrial insurance law.

Votes on Final Passage:

Senate	48	1	
House	97	0	(House amended)
Senate	45	1	(Senate concurred)

Effective: January 1, 1992

SSB 5873

PARTIAL VETO

C 254 L 91

Providing insurance coverage for retired and disabled school district employees.

By Senate Committee on Ways & Means (originally sponsored by Senators McDonald, Gaspard, Saling, Snyder, L. Smith, Johnson, Bauer, Rasmussen and Barr).

Senate Committee on Ways & Means
House Committee on Appropriations

Background: State law provides that state employees who are retired or disabled may continue their participation in any insurance plans and contracts after retirement or disablement. Federal law requires this for 18 months after retirement. These employees bear the full cost of premiums required to provide coverage, and the rates charged for health care are developed from the same experience pool as active employees. Rates for a retired or disabled employee or the employee's dependents who are covered by Medicare are actuarially reduced to reflect the value of that care.

Summary: Retired or disabled school district employees may continue participation in any insurance plans and contracts for a period of at least 30 months after their retirement or disablement. The retired or disabled employee bears the full cost of premiums to provide the coverage.

Employees who retire after July 28, 1991, and those who retired in the 18-month period immediately prior to July 28, 1991, are eligible to participate. Employees who retired more than 18 months prior to July 28, 1991, and who were covered by a school district insur-

ance plan on January 1, 1991, may continue coverage for at least one year, dating from July 28, 1991.

The Health Care Authority is directed to conduct a study of health care coverage for retired school district employees, including development of mechanisms to pre-fund health care coverage, establishment of variable premiums to reflect an individual's income level, and evaluation of the feasibility of allowing retirees to continue their school district insurance coverage at a reasonable cost. The Health Care Authority is required to submit its findings and recommendations to the Legislature by December 1, 1991.

Votes on Final Passage:

Senate	46	0	
House	96	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: July 28, 1991

Partial Veto Summary: The section requiring the Health Care Authority to conduct a study of health care coverage for retired school district employees was vetoed. (See VETO MESSAGE)

2SSB 5882

C 345 L 91

Creating a drug asset forfeiture and criminal profiteering unit in the attorney general's office.

By Senate Committee on Ways & Means (originally sponsored by Senators Pelz, McCaslin, Johnson, Madsen, Moore and Owen).

Senate Committee on Financial Institutions & Insurance
Senate Committee on Ways & Means
House Committee on Financial Institutions & Insurance

Background: Current efforts at drug law and criminal profiteering law enforcement can include seizing assets. The typical legal vehicles used are the federal laws, the state criminal profiteering act or RICO. Specialized legal expertise is required to investigate and prosecute these cases, which are expensive and time consuming. The Attorney General currently funds its efforts through a short-term grant.

In most other states, assets seized or forfeited under criminal profiteering and narcotics law enforcement are deposited into revolving funds. Prosecution and investigative costs are also deposited. These funds are then used to underwrite further investigations and prosecutions. Washington does not have such an account.

Summary: The Attorney General is authorized to assist local governments and state agencies with investigation and prosecution of criminal profiteering cases, with a special emphasis on narcotics cases. Provisions are made for the distribution of proceeds.

Votes on Final Passage:

Senate	47	0	
House	98	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 28, 1991

ESB 5906

C 23 L 91

Relating to protecting persons seriously threatened by domestic violence by restricting disclosure of their names or addresses.

By Senators Rinehart, McCaslin and Talmadge.

Senate Committee on Governmental Operations

Background: Records, including the names and addresses of citizens, maintained by state and local governments are generally available for inspection by the public. Persons who have committed acts of domestic violence may use these records to locate a former spouse or domestic partner who is attempting to avoid further contact.

In 1990, the Legislature enacted a law prohibiting the disclosure by state and local governmental agencies of the names and addresses of persons when that person made a request in writing under oath through the Secretary of State stating that disclosure would endanger any person's life, safety or property. This law was to become effective on March 1, 1991, but because of technical and administrative difficulties, its effective date was deferred by legislation enacted early in the 1991 session until April 19, 1991 to allow time to develop appropriate remedies which would not impinge upon the mandated duties of government or the basic needs of commerce.

Summary: A person, acting alone or through a guardian or parent, may apply to the Secretary of State to designate an alternate address which may be used in state or local public records when requested by the applicant. The application must include a sworn statement that the applicant or ward is a victim of domestic violence and fears for his or her or his or her children's safety. When all required information is properly provided, the Secretary of State shall certify the person or ward as a "program participant."

The Secretary of State shall accept service of process on behalf of the participant and shall accept and forward any first class mail. The Secretary of State shall retain the participant's true address and telephone number and may contact them directly.

When requested, state and local agencies shall use the designated address unless the agency has a bona fide statutory or administrative requirement for the use of the actual address and the actual address is used only for that purpose. Actual addresses may also be disclosed to law enforcement agencies for law enforcement purposes or pursuant to a court order.

With regard to voter registration records, a program participant may be treated in the same manner as persons in the armed services, receiving a continuing absentee ballot at an address designated by the participant.

With regard to marriage applications and records, when requested by a participant, a county auditor shall not disclose either the name or address of the participant unless requested by a law enforcement agency for law enforcement purposes or unless directed by a court order.

The protection shall remain in effect for a period of four years unless a participant changes their actual address without notifying the Secretary of State, changes their name, makes a false statement on their application, or any mail forwarded by the Secretary of State is returned undeliverable, in which event the protection shall be canceled.

The Secretary of State may designate state and local agencies and nonprofit agencies that provide shelter and counseling services to victims of domestic violence to assist persons in applying to be program participants.

The Secretary of State shall report to the Legislature by July 1, 1992 regarding additional records for which a substitute address may not be possible but for which address information protection may be desirable.

Votes on Final Passage:

Senate	46	0
House	98	0

Effective: July 1, 1991

SSB 5916

C 340 L 91

Changing foster care provisions and providing a grievance process.

By Senate Committee on Children & Family Services (originally sponsored by Senators Roach, Talmadge, L. Smith and Stratton).

Senate Committee on Children & Family Services
House Committee on Human Services

Background: Foster parents and other individuals are concerned that when they have a complaint concerning a policy or action of the Department of Social and Health Services, there is no standard, formal grievance process to access nor is there a neutral forum to hear and make decisions on such grievances.

When a foster child has been in a foster family home for 90 consecutive days or more, the department or child-placing agency is required to give five days notice before moving the child to another home. However, the five-day notice is not required to be given when the child has been living in the home for 90 days but it is a group home or receiving home. The five-day notice is also not required when a decision is made to return the child to the home of the natural parent.

Foster-adopt parents are required to be licensed as foster parents and have a home study performed as a preliminary step towards clearance to be adoptive parents. There is no separate foster-adopt license nor is there any training for caseworkers specific to placement procedures in foster-adopt homes. There is no document which is provided to foster-adopt parents that delineates the risks and potential benefits of being foster-adopt parents. Misunderstandings and emotionally painful consequences have arisen.

Summary: The Department of Social and Health Services is directed to develop and implement a complaint resolution process to review grievances pertaining to a division policy or procedure or the application of a division policy or procedure.

When a child resides in the home of a foster parent or relative pursuant to a disposition order, the court may allow the foster parent or relative to attend dependency review proceedings pertaining to that child for the purpose of providing information to the court about the child.

Votes on Final Passage:

Senate	46	1	
House	98	0	(House amended)
Senate	38	0	(Senate concurred)

Effective: May 21, 1991

SSB 5928

C 52 L 91

Prohibiting interest and penalties on delinquent 1991 taxes on personal residences owned by military personnel.

By Senate Committee on Ways & Means (originally sponsored by Senators Sellar, Anderson, Amondson, McDonald, Craswell, Oke, Bailey, Nelson, Hayner, L. Smith, Saling, Patterson, McCaslin and Johnson).

Senate Committee on Ways & Means
House Committee on Revenue

Background: Property taxes are due on April 30 but may be paid in two installments. If one-half of the

taxes are paid on April 30, the remaining one-half is due on October 31.

Delinquent taxes are subject to interest at 12 percent per year compounded monthly. In addition, a penalty of 3 percent is assessed on the amount of tax delinquent on May 31 and a penalty of 8 percent is assessed on the amount of tax delinquent on November 30.

Summary: No interest or penalties may be assessed for the period April 30, 1991, through December 31, 1991, on delinquent 1991 taxes which are imposed on personal residences owned by military personnel who participated in "Operation Desert Shield," "Operation Desert Storm," or any following operation from August 2, 1990, to a date specified by an agency of the federal government as the end of such operations.

Votes on Final Passage:

Senate	46	0
House	95	0

Effective: April 26, 1991

ESB 5959

C 10 L 91 E1

Restricting eligibility for general assistance unemployable.

By Senators McDonald, Hayner and West.

Senate Committee on Ways & Means

Background: The general assistance-unemployable (GA-U) program is a state only cash assistance program for individuals who are disabled due to a physical or mental incapacity. The program serves only single or married adults without children, and the current payment standard for one person is $339 per month. Recipients also are provided medical benefits under the state only GA-U medical assistance program. There is no limit as to the amount of time an individual may receive benefits.

Eligibility for GA-U is determined by using a decision-making process known as the progressive evaluation process (PEP). If a medical condition alone is insufficient to determine eligibility, then vocational factors are considered. Applicants must further demonstrate that their incapacity will persist for more than 60 days, and must participate in any available treatment to improve their disability. Those recipients who are anticipated to be incapacitated for at least one year are also required by administrative rule to apply for the federal supplemental security income (SSI) program.

Summary: GA-U applicants must demonstrate that their incapacity will persist for more than 90 days.

Votes on Final Passage:

Senate	25	23	
First Special Session			
Senate	25	18	
House	89	8	(House amended)
Senate	28	18	(Senate concurred)

Effective: July 1, 1991

ESB 5960

C 3 L 91 E1

Relating to the 1989-91 capital budget.

By Senator McDonald.

Background: State government operates on a two-year fiscal period, beginning on July 1 of each odd-numbered year and ending on June 30 of the following odd-numbered year. A capital budget is adopted for each fiscal biennium, providing appropriations for construction projects, repairs, and other capital improvements of the facilities of state agencies and institutions.

Summary: The 1989-91 capital budget is amended to modify the reappropriation of moneys previously appropriated for capital projects of the Department of Trade and Economic Development, the Department of Transportation, and the University of Washington. Supplemental appropriations are also made for two new capital improvements at the University of Washington (the exterior repair of Denny Hall and a power plant boiler).

In addition, a 1990 appropriation for the construction of school facilities is modified to clarify the application of state law provided for the use of capital appropriations for the purchase of works of art.

Votes on Final Passage:

First Special Session		
Senate	45	2
House	83	1

Effective: June 18, 1991

SB 5982

C 37 L 91

Replacing federal funding for free and reduced meals during the teachers' work stoppage.

By Senators McDonald, Roach, Johnson, McCaslin, Gaspard, Rinehart, Murray, Hayner, Wojahn and Snyder; by request of Governor Gardner and Superintendent of Public Instruction.

Background: Under federal law, school districts are prohibited from using federal funds to serve students

free and reduced price meals when students are not attending school. This prohibition applies to the period of the statewide teachers' strike which began April 18, 1991. One-quarter of the state's students are eligible for free and reduced price school lunches and breakfasts. The federal government funds over 95 percent of the cost through the national school lunch program, the school breakfast program, and the special milk program.

Summary: An appropriation is made from the state general fund to the Superintendent of Public Instruction (SPI) to replace federal funding of free and reduced price meals lost due to the teachers' work stoppage that began April 18, 1991.

SPI may reimburse school districts for breakfasts and lunches they actually provide to children during the teachers' work stoppage, by the amount that normally would have been paid by the federal government.

Appropriation: $2 million to the Superintendent of Public Instruction

Votes on Final Passage:

Senate	42	0	
House	90	4	(House amended)
Senate	45	0	(Senate concurred)

Effective: April 22, 1991

ESB 5985

PARTIAL VETO

C 27 L 91 E1

Changing requirements for institutional plans for higher education health care training.

By Senator West.

Senate Committee on Health & Long-Term Care

Background: During the 1991 legislative session ESHB 1960 was enacted. The bill established numerous programs to increase the supply of health care professionals in geographic and job specialty areas where shortages are reported. A statewide health personnel resource plan is authorized to organize and coordinate the data collection, needs assessment and higher education activities of state agencies and public higher education institutions in order to better respond to health care personnel shortages.

The statewide health personnel resource plan will be established by a committee comprised of the Departments of Health and Social and Health Services, the Higher Education Coordinating Board, the State Board for Community College Education and the Superintendent of Public Instruction. Each of the state's higher education institutions that offer health professional training are required to prepare and implement institutional plans that address issues and activities identified in the statewide plan.

Some confusion has arisen among the higher education institutions as to the role of the boards of regents and trustees of these institutions and their ability to approve or modify the institutional plans. They have expressed the desire to have clarification written into the law specifically regarding changes in admission and curriculum requirements as a result of the plans. In addition, they desire clarification in the law stipulating that required programmatic and academic changes be contingent on funding from the Legislature.

The repealer section of ESHB 1960 was vetoed by the Governor because certain sections of law were incorrectly repealed.

Summary: The institutional plans required by the statewide health personnel resource plan are to be implemented by each higher education institution contingent with the biennial budget. Whenever possible, each institution must make a good faith effort to implement the plans using existing resources.

If there is a conflict between portions of the institutional plans and requirements set forth by the agency that accredits the health training programs, the institution may deviate from the plan. Before doing so, it must obtain confirmation from the accrediting agency stating that the proposed changes will jeopardize accreditation and showing that it has made a good faith effort to obtain approval for such changes. If the changes are not approved, the institution must present the committee an alternative proposal that meets the objectives of the plan and has the approval of the accrediting agency.

The implementation of the institutional plans is subject to the approval of the board of regents or trustees of the institution. When the board believes that any part of the plan comes into conflict with established standards and practice of the institution, a public hearing must be held in accordance with the Administrative Procedure Act (Chapter 34.05 RCW). At the hearing the institution must present an alternative proposal that conforms with the requirements established by the statewide plan. The board is required to prepare and submit to the committee a summary of the hearing proceedings along with its recommendations for changes to the institutional plans.

The conditional nurse scholarship program (Chapter 28B.104 RCW) and the rural physician, pharmacist and midwife scholarship program (Chapter 70.180 RCW) are each repealed. The programs have been replaced by the health professional loan repayment and scholarship program created in ESHB 1960. These are technical

corrections to the repealer section vetoed by the Governor in ESHB 1960.

A null and void clause is included making the bill contingent upon funding of ESHB 1960 in the biennial budget.

The bill also amends the null and void clause in ESHB 1960 (Chapter 332, Laws of 1991). If funds are not appropriated for this legislation in the biennial budget, only those portions of the legislation which require funding will be null and void. Specifically, provisions related to health care provider shortages will be null and void. Provisions related to veterinarians and to nontraditional health care providers will not be rendered null and void.

Votes on Final Passage:

First Special Session			
Senate	46	0	
House	94	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: September 29, 1991

Partial Veto Summary: The null and void provisions of the bill are vetoed. Funding for ESHB 1960 is provided for in the biennial budget. (See VETO MESSAGE)

SB 5988

C 17 L 91 E1

Allowing the levying of certain authorized library improvement tax levies.

By Senators Vognild and McCaslin.

Background: The amount of ad valorem taxes levied annually against real property is subject to a variety of limitations. Article 7, Section 2 of the State Constitution limits the aggregate of such taxes, excepting those of port or public utility districts, to 1 percent of the true and fair value of any parcel of real estate.

By statute, the aggregate regular property taxes of any taxing entity (county, city, or district) may not be increased in any year to a level in excess of 106 percent of the highest amount levied in any of the three preceding years. Also, by statute, local governments are subject to rate limitations of dollars per $1,000 of valuation which may be levied; e.g. counties may not levy regular taxes in excess of $1.80 per $1,000 in valuation.

By majority vote, the voters in a taxing district may approve a regular property tax which results in an increase in excess of the 106 percent ceiling, provided that they do not exceed the limitation on the tax rate applicable to the particular type of district.

The voters in the City of Everett authorized a partial waiver of the 106 percent limitation to pay back library improvement bonds. In the first year the full amount approved could not be levied because of tax rate limitations. Litigation has been commenced to prevent any subsequent levies from exceeding the amount levied in the first year.

Summary: Taxes in excess of the 106 percent limitation are validated and may be levied by a taxing district if they were authorized by voters prior to 1988 and restricted to funding the cost of library improvements and costs of borrowing money for such purpose over a 20 year period.

This new law is curative and applied retroactively to such a ballot proposition authorizing a limited waiver of the 106 percent limitation.

Votes on Final Passage:

First Special Session		
Senate	46	0
House	93	0

Effective: September 29, 1991

ESSB 5996

C 28 L 91 E1

Making adjustments to child support guidelines.

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Rasmussen and Johnson).

Senate Committee on Law & Justice

Background: Governor Gardner vetoed a number of sections of the child support bill passed by the Legislature during the regular session. In his veto message, the Governor indicated that the sections were vetoed for various technical and policy reasons, but primarily because of his concern for the impact on families with children.

The bill would have excluded overtime, second job income, contract-related benefits, and nonrecurring bonuses from income but allowed the court to deviate from the standard calculation of child support based on those resources. The bill also would have allowed the court to deviate if the child spent significant time with the parent paying support. Postsecondary educational support for tuition was limited to the amount paid by state residents at a Washington university. Provisions in decrees that allow periodic modifications of support would have been deemed void if they did not use the current child support statutes as the basis for modification. In addition, the bill would have prevented either parent from restricting access to the child's health and

education records. Some of these sections have been revised in an effort to address the Governor's concerns.

Summary: Periodic modifications of child support must use the current child support laws as the basis for modification. Upon motion of a party, the court must modify that portion of a decree that fails to comply with child support laws as to installments accruing subsequent to the court's modification order.

A motion for modification based on changes in the economic table or standards may be brought within 24 months of entry of the decree or the last modification, whichever is later.

Neither parent may veto access to education records requested by the other parent. Education records for kindergarten through twelfth grade are limited to academic, attendance and disciplinary records. Postsecondary education records are limited to enrollment and academic records necessary to determine, establish or continue support.

Income includes Social Security benefits and disability insurance benefits. Overtime, income from second jobs, bonuses and contract-related benefits are included in income but may be a basis for deviation if the court finds they are not a recurring source of income. Income of a new spouse or of other adults in the household is excluded from income and may only be a basis for deviation if that parent requests deviation for some other reason. In deciding whether to impute income, the court may consider the parent's work history, education, health, age, and any other relevant factors. When there is no information to the contrary, the court must use U.S. Bureau of the Census reports as a basis for imputing income. The court may not impute income to a parent who is employed full-time unless the court finds the parent is underemployed purposely to reduce the parent's child support obligation.

Deviations from the standard calculation of child support may be allowed based on tax planning, the receipt of gifts or prizes, or extraordinary debt or expenses. If a child spends a significant amount of time with the parent obligated to pay support, the court may deviate after considering evidence of increased or decreased expenses resulting from the residential schedule. The court may also deviate if either parent has children from other relationships to whom they owe a duty of support.

A child receiving postsecondary educational support must enroll in an accredited school, must be pursuing studies commensurate with the child's vocational goals, and must be in good academic standing. The court must direct that either or both parents' payments be made directly to the institution if feasible.

Votes on Final Passage:

First Special Session		
Senate	43	0
House	68	23

Effective: September 1, 1991

SB 5997

C 11 L 91 E1

Correcting certain double amendments from the 1991 regular session.

By Senators Nelson and A. Smith; by request of Statute Law Committee.

Senate Committee on Law & Justice

Background: The objective of 24 sections of HB 1115 from the 1991 Regular Session (C 3 L 91), the Department of Health corrections bill, has been made superfluous by amendments contained in other legislation. Section 47 of SB 5107 from the 1991 Regular Session (C 72 L 91) corrected obsolete references in the corporations code; other amendatory legislation made these references superfluous.

The Code Reviser's office was directed by SHB 1270 from the 1991 Regular Session (C 35 L 91), regarding state retirement systems, to not give effect to amendments contained therein that conflict with other amendments of the same section. The Code Reviser believes a reenactment of the relevant sections is necessary to accomplish the legislative intent.

Summary: Twenty-four sections of HB 1115 from the 1991 Regular Session (C 3 L 91) are repealed. Section 47 of SB 5107 from the 1991 Regular Session (C 72 L 91) is repealed. Several sections of the Revised Code of Washington dealing with retirement systems and 1991 legislation amending them are reenacted.

Votes on Final Passage:

First Special Session		
Senate	46	0
House	94	0

Effective: June 30, 1991 (Sections 1, 2 & 6)
September 1, 1991 (Sections 3-5)

ESB 5998

C 12 L 91 E1

Changing the definition of surviving spouse under LEOFF.

By Senator Nelson.

Background: Prior to the passage of HB 1211 (C 365 L 91), the Law Enforcement Officers' and Fire Fighters' Retirement System had a definition of surviving spouse that excluded the divorced spouse of a member. In passing HB 1211, the Legislature inadvertently narrowed the definition of surviving spouse to exclude surviving widows or widowers of members of the system when the members joined the system after September 30, 1977.

Summary: The surviving spouse of a member of the Law Enforcement Officers' and Fire Fighters' Retirement System means the surviving widow or widower, or the ex spouse of a deceased member if the ex spouse (1) has been provided benefits by court order entered after the member's retirement and prior to December 31, 1979; and (2) the ex spouse was married to the member for at least 30 years, including at least 20 years prior to the member's collection of retirement benefits.

If two or more persons are eligible for surviving spouse benefits from one member's account, such benefits shall be divided between the surviving spouses based on the percentage of service credit accrued by the member during each marriage.

Votes on Final Passage:

First Special Session		
Senate	34	11
House	94	0

Effective: September 29, 1991

ESB 6913

C 1 L 90 E2

Providing for local criminal justice and other fiscal assistance.

By Senators Hayner, Vognild and Patrick; by request of Governor

Background: City and county governments have experienced significant increases in the demand for public services. This is largely due to the impact of population increases and changing patterns of legal and illegal behavior. Many localities are unable to meet these demands within available resources.

A major concern to local governments is their ability to provide needed criminal justice system services resulting from increasing crime, in particular those services associated with the dramatic increase in the illegal use of drugs. Statewide drug arrests decreased between 1982-1986 to 7,300 but then increased by 3,700 in 1987, another 4,700 in 1988, and another 6,100 in 1989 for a total of 21,900. Another indicator, felony filings, has been increasing by an average of over 2,000 filings a year since 1984. Finally, county jail population has increased by 1,785 since 1986 to a total of 6,241.

The failure to provide adequate resources has resulted in workloads that overwhelm the ability of law enforcement officers, prosecutors, public defenders, courts and jails to deal with cases efficiently and effectively. There are a number of local government financing options which can address these needs. These include tax base sharing, modification of local government revenue distributions, direct appropriations from the state general fund, and local taxing options.

Summary: A variety of revenue sources are made available to local governments, most of which are limited to counties and cities and are earmarked for criminal justice purposes. A total of $99.4 million is made available to counties and cities in fiscal year 1991. The legislation provides general fund appropriations, tax base sharing, increased local government revenue distributions, and increased county taxing authority.

A total of $55 million is distributed to cities and counties for fiscal year 1991. In FY 1992 this amount is estimated at $37.2 million and in FY 1993, $39.6 million. In fiscal year 1991, $32.5 million is directed to the counties through a formula distribution based on population, reported crime and felony criminal court filings. Of this amount, $25 million is from the motor vehicle excise tax (MVET). This represents a percentage of total MVET collections and will continue to be distributed along with revenue growth for two more years. The $7.5 million balance is from the state general fund and for the first year only.

An additional $2.5 million is provided to the counties from the state general fund for one-time assistance in fiscal year 1991. This is distributed on a per capita basis only. Distributions to cities in fiscal 1991 include $10 million allocated on a per capita basis to 24 cities experiencing extraordinary crime rates. This includes $5 million from the MVET, which will continue to be allocated with growth for two more years, and $5 million of one-time funding from the state general fund. An additional $10 million is provided to all cities in the state on a per capita basis, including $2.5 million to cities with population under 10,000. Again, $5 million of the total is a MVET distribution which will continue for two more years, and $5 million is one-time funding from the state general fund.

Distributions will be made quarterly beginning in July 1990. All funds must be used exclusively for

criminal justice purposes and may not be used to supplant existing funding.

The state distribution of local sales taxes to counties, cities and transit districts is made monthly rather than bimonthly. In addition, investment earnings on the balances in these accounts will be credited to the account rather than the general fund. This is a permanent change. In fiscal year 1991 it will yield $1.6 million to counties, $2.8 million to cities, and $1.7 million to transit districts. The spending of these receipts is not restricted to criminal justice purposes.

Local governments may retain and spend certain types of unclaimed intangible property, rather than distributing the property to the state. (This does not alter any responsibility of the local government to make restitution should the property be claimed.) The intangible property includes: warrants that have been canceled because they were not presented for payment, property tax overpayments, and excess proceeds from property tax and irrigation district foreclosures. This is a permanent change and has an estimated impact of $200,000 per year for county governments.

The Department of Licensing requirements are modified for the enforcement of parking violations. The current requirement that the Department be notified at least 150 days prior to license renewal is reduced to 120 days. The requirement that there be at least three parking tickets prior to enforcement is reduced to two parking tickets. Also, the charge for administration is increased from $10 to $15. These changes are permanent and will increase city revenues by $4.0 million in fiscal year 1991. Spending of the revenue derived from these changes is not restricted to criminal justice purposes.

Subject to approval of a constitutional amendment, taxing districts are permitted to propose to their voters excess levies for periods of up to six years. The spending of the excess levy receipts is not restricted to criminal justice purposes.

More restrictive authority, which certain districts have under present law, is eliminated in favor of this broad limitation. School district authority for two-year excess levies and six-year capital levies is replaced. Unique regular levy authority for emergency medical service districts, park and recreation service areas, and cultural arts, stadium and convention center districts is also replaced.

Some ballot proposition requirements would also be changed. When proposing an excess levy, districts may state the proposal in terms of a maximum levy rate. This is an alternative to the present method of stating a dollar amount and an estimate of levy rate.

These changes will be permanent, subject to the approval of a constitutional amendment in November, 1990. Their revenue impacts cannot be estimated.

Initiative 62 is amended to eliminate confusion over the issue of reimbursement for local government costs which result from state enactments. The question has been whether there must be direct reimbursement for each cost or whether any revenue distributions and taxing authority could constitute reimbursement. This change clarifies that after 1979, any increased revenue distributions and taxing authority constitute reimbursement. Existing litigation would not be affected by this provision.

A sales tax equalization system for new cities is created. This system allows new cities to base distribution on a few months of collection experience rather than a full year. It would permit sales tax equalization payments to begin within several months of incorporation. The present system would delay funds for over a year. The spending of these receipts is not restricted to criminal justice purposes.

Technical changes are made to the motor vehicle excise tax distribution. These changes are made to reconcile this legislation with the distribution system included within the 1990 transportation revenue act.

A local sales tax of 0.1 percent is authorized for certain large counties. This taxing authority expires January 1, 1994, and the revenues may only be spent for criminal justice purposes. The designated counties are those with populations in excess of 200,000 and those with populations in excess of 150,000 that experienced a population increase of 24 percent during the preceding nine years. Presently affected counties are King, Pierce, Clark, Snohomish, Spokane and Thurston. This optional sales tax must be approved by the voters of the county. It can be placed on the ballot by action of the county legislative authority or collective action of city governing bodies representing a majority of the county population.

Tax proceeds would be distributed as follows: 10 percent to the county and the remaining 90 percent to the cities and the counties based on population. The county population used in this calculation would be for the unincorporated area only.

The tax has a potential yield of $36 million per year with cities receiving 56 percent of the revenues.

A transit system imposing the optional 1.0 percent local sales tax for high capacity transit would be limited to a maximum of 0.9 percent if the 0.1 percent county tax for criminal justice is being levied.

A task force will examine issues of city and county financing with particular emphasis on criminal justice requirements. The group will be comprised of five members from each house with three from each majority caucus. In addition, the task force will include two nonvoting representatives of the Governor.

The task force will submit a report to the Governor and the Legislature by September 1, 1992. Appropriations totaling $100,000 are made to the House and Senate for the operation of the task force during the current biennium.

The effective date of 1990 legislation on the public disclosure of personal information by local governments and state agencies is delayed from June 7, 1990, to March 1, 1991. Under the legislation (Chapter 256, Laws of 1990), a person may prevent a government agency from publicly disclosing the person's work and home addresses if the disclosure would threaten his or her life, physical safety, or property.

Votes on Final Passage:

Senate	42	4
House	89	5

Effective: June 6, 1990
June 7, 1990 (Section 1103)
July 1, 1990 (Sections 101-106)
September 1, 1990 (Sections 701 and 801)
January 1, 1991 (Sections 501-525, if HJR 4231 is approved at November 6, 1990 general election)

SJM 8000

Requesting that Congress extend the coastal states seaward boundaries.

By Senator Conner.

Senate Committee on Environment & Natural Resources
House Committee on Natural Resources & Parks

Background: Each coastal state's waters extend to three miles from the shore. The area between three miles and 12 miles is controlled by the United States government.

Summary: The President of the United States and Congress are asked to amend the 1953 Federal Submerged Lands Act which grants states control of submerged lands.

Events taking place beyond the state-controlled three-mile territorial limit have a profound effect on the coastal states, and an extension of state control to 12 miles would be beneficial to the United States by creating additional enforcement capabilities. Congress and the President are asked to amend legislation to extend the coastal states seaward boundaries from three miles to 12 miles.

Votes on Final Passage:

Senate	46	0
House	93	0

SJM 8006

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

By Senators Madsen, Bauer, A. Smith and McCaslin.

Senate Committee on Governmental Operations
House Committee on State Government

Background: Over half a million men and women from the United States participated in an effort by a coalition of nearly 30 nations to enforce by military action the United Nations' resolutions calling for the complete withdrawal of Iraqi forces illegally occupying Kuwait. Of the U.S. forces, about 8,000 come from Washington State. They are our neighbors and they serve our community in both peace and war. The people of Washington are united in their support for the men and women who serve in our armed forces and wholeheartedly support their efforts.

Summary: The Department of Defense and the Joint Chiefs of Staff extend our appreciation to all our troops, especially those representing the state of Washington in this time of crisis and courage.

Votes on Final Passage:

Senate	46	0	
House	98	0	(House amended)
Senate	45	0	(Senate concurred)

SJM 8009

Requesting Congress to create a HAMMER training center at Hanford.

By Senators Hayner and Jesernig.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: Thousands of shipments of hazardous materials are made each day. New guidelines from the federal government require training for members of certain occupational groups that may come in contact with an accident involving hazardous materials. These occupational groups include law enforcement agencies, fire departments, and other emergency response entities.

Several organizations representing emergency response occupations contend that a need exists for a state-of-the-art facility equipped to provide training for a hazardous materials accident. Locating such a facility at Hanford would allow for certain advantages, including an ample amount of federally-owned land, a base of technical and training expertise, local support, and a project that complements the new mission of cleanup activities at the site.

Summary: Congress is asked to support and fund legislation that would create a Hazardous Materials Management and Emergency Response training center located at Hanford.

Votes on Final Passage:

Senate	45	0
House	95	0

SJM 8012

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

By Senators Talmadge, Conner, Metcalf, Thorsness, McMullen, Oke and Craswell.

Senate Committee on Environment & Natural Resources
House Committee on Environmental Affairs

Background: The Strait of Juan de Fuca is a unique international waterway boundary between Canada and the United States. The Strait provides economic, social and environmental links between the Province of British Columbia and state of Washington.

The cities in the state of Washington have invested millions of dollars in protecting the water quality by upgrading to secondary treatment of their wastewater effluent before discharging it into the Strait of Juan de Fuca.

The industries in the state have similar million dollar investments in wastewater treatment facilities to protect the Strait from contamination.

In British Columbia, across the international waterway, the Victoria area municipalities discharge raw sewage containing toxic chemicals and heavy metals, into the Strait, from an estimated 230,000 residents. Current plans are to extend the sewage outfall line into the Strait, adding to the water quality concerns in Washington State.

The concerns of the state should be addressed by the International Joint Commission (IJC). The IJC advises Canada and the United States on issues involving boundary waters.

Summary: The Washington State Senate and House of Representatives, through the President of the Senate and Speaker of the House, and its Governor and to the Congress, Secretary of State and its President, petition that the United States Department of State appeal to the Department of External Affairs of Canada, to protect the Strait of Juan de Fuca and begin efforts to cease the dumping of raw sewage into the Strait.

The Memorial calls on the State Department to request the IJC to investigate the problem in accordance with the boundary waters treaty.

Votes on Final Passage:

Senate	44	4
House	97	0

SJM 8015

Concerning an international nautical convention.

By Senators Vognild, Patterson, Gaspard, Hayner, Snyder, Newhouse, Anderson and McMullen.

Background: The International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers was established in 1978. These standards were developed to promote the safety of life and property at sea and to protect the marine environment.

Seventy-eight nations, including all major maritime nations in the world, except the United States, have ratified these standards.

Summary: This memorial requests the President and Congress to ratify the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers.

Ratification of these standards will provide the United States Coast Guard with the authority to enforce crew standards on foreign flag vessels in United States waters.

Votes on Final Passage:

Senate	46	0
House	93	0

SJR 8203

Amending the Constitution to provide an additional method for a county to frame a "home rule" charter.

By Senators McCaslin and Nelson.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: The State Constitution requires that the Legislature establish a system of county government for every noncharter county.

The Constitution permits any county to frame and adopt a "Home Rule" charter under a procedure that involves the election of a board of freeholders who frame a proposed charter to revise county government. The proposed charter is then submitted to the voters of the county for their approval or rejection. At present, five of the 39 counties operate under a county charter (King, Pierce, Snohomish, Whatcom and Clallam).

Summary: An alternative method is provided for placing a proposed county "Home Rule" charter before the voters. The Legislature is required to create a temporary commission of 15 members to draft five alternative county charters revising county government. The commission may not exist more than one year. The members are to be appointed by the Governor. One-third of the commission members must be members of the Legislature and elected county officials. As far as practical, the commission must be representative of the state's geographic areas and demographic distribution.

A single alternative charter drafted by the commission may be submitted to the voters of any county to approve or reject through: (1) passage of an ordinance by the county legislative authority providing for the submission; or (2) the filing of a petition calling for such a submission. The petition must have been signed by registered voters of the county equal in number to 10 percent of the voters participating in the last preceding general election in the county. Upon approval by the voters, the charter becomes the fundamental law of the county.

A new commission could be created by the Legislature to redraft any of the alternative charters.

The ballot title is provided in the joint resolution, and shall be: "Shall an additional procedure be permitted to simplify the process by which a proposed county charter is placed upon the ballot?"

Votes on Final Passage:

Senate	33	12
House	95	0

SCR 8416

Resolving to create the Washington Condominium Task Force.

By Senators Nelson and Talmadge.

Senate Committee on Law & Justice

Background: In 1987, the Legislature created a statutory committee, the Condominium Task Force, to update the former statute governing the creation of condominiums (the Horizontal Property Regimes Act) in accordance with the Uniform Condominium Act. The task force was comprised of representatives of condominium associations, developers, mortgage bankers, title companies, realtors, consumers, attorneys, and county assessors. In 1989, the Washington Condominium Act, drafted by the Condominium Task Force, was enacted by the Legislature and went into effect on July 1, 1990.

Senate Bill 5075, which recreated the Condominium Task Force, was vetoed by the Governor on May 16, 1991.

Summary: The Washington Condominium Task Force is created to review the Washington Condominium Act, draft recommended revisions to the act, and prepare appropriate revisions to the Official Comments to the act.

One member each of the majority and minority parties of the Senate and the House Representatives is appointed by the President of the Senate and the Speaker of the House, respectively.

The task force is required to report to the Legislature by March 1, 1992.

Votes on Final Passage:

First Special Session		
Senate	46	0
House	92	0

Estimated Revenues & Appropriations

GENERAL FUND-STATE - 1991-1993 BIENNIUM

(Dollars in Millions)

REVENUES	
Unrestricted Beginning Reserve	$498.5
June Revenue Forecast	14,972.2
Total Revenues	**$15,470.7**
ADJUSTMENTS TO REVENUE	
Revenue Legislation	167.9
Budget Driven Revenue	109.8
Total Resources	**$15,748.4**
APPROPRIATIONS	
1991-93 Appropriations Act	$15,666.8
Appropriation Legislation	
Medicaid Tax	75.7
Other	0.1
Total Appropriations	**$15,742.6**
Unrestricted Reserves 6/30/90	**$5.8**
Budget Stabilization Account	**$260**

Legislation and Other Adjustments

(Dollars In Thousands)

Revenue Legislation

HB	2237	Medicaid Payments Tax	$93,821
ESHB	1058	Transfer Interest to GF-S	61,800
SHB	1890	DSHS Nursing Home License Fees	7,461
SB	5560	Cigarette Tax Enforcement	3,827
ESHB	1831	Ownership Interest	1,000
		Total	**$167,909**

Budget Driven Revenues

DOR Revenue	$54,736
Interest Earnings to Water Quality Account	20,392
Higher Education Tuition Enrollments	9,703
DSHS Maximize Federal Reimbursement	9,707
Liquor Control Board Additional Income	4,226
Lottery Commission Additional Income	2,798
L&I Various Fee Increases and New Fees	2,350
DOE Increased Emissions Inspections	2,000
Overseas Trade Office Fees	1,032
Gambling Fund Surplus	1,000
DOL Master License System Fees	720
Horse Racing Commission Additional Income	368
DOH Various Fees	222
Disability Accomodation Revolving Fund	190
OAC Real Estate Transaction Legal Fees	152
DOL Professional License Fees	82
DOE Dam Safety Fees	80
Total	**$109,758**

Appropriations Legislation

HB	2237	Medicaid Payments Tax	$75,700
SSB	5008	Pacific NW Economic Region	49
SB	5651	Little Spokane River	30
		Total	**$75,779**

1991-93 Operating Budget Highlights

K-12 EDUCATION

- Provide full funding for the **block grant** program **($58.7 million)**
- Further **reduce class size** in grades K through 3 by increasing the number of certificated staff per 1,000 students from the current 52.3 up to 54.3 for both years of the ensuing biennium **($40 million)**
- Provide funds for the purchase of **computers, equipment,** or other **instructional materials** in support of innovative educational programs **($29.2 million)**
- Create a new **REACH** grant program to improve student learning by providing challenge grants to school districts to achieve improvements in academic, workplace, and life skills measured against objectives identified by the schools **($15 million)**
- Increase **Fair Start,** an innovative intervention and prevention program for at-risk children at the elementary school level **($15 million)**
- Serve all identified eligible children in the **Early Childhood Education Assistance Program** by increasing the yearly enrollment from the current level of 5,000 up to 7,713 ($5.3 million G.F. State, **$14 million** total)
- Continue funding for **21st Century Schools**; a pilot project to develop innovative educational programs **($10 million)**
- Establish a new **complex needs factor** to provide additional funding to school districts based on the numbers of low-income and bilingual students, and the number of languages spoken **($6 million)**
- **Reduce vocational education class sizes** from 17.1 students per teacher to 16.7 students per teacher **($5.2 million)**
- Provide additional **equipment** for secondary **vocational education ($4.9 million)**
- Include funding for the **Even Start** program which provides illiterate parents with basic skills and child development instruction **($1.5 million)**
- Provide grants to address the needs of **small school districts ($2 million)**
- Provide grants for **special education demonstration projects**, instruction in job and independent living skills, and early intervention ($1 million GF-State, **$1.3 million** total)
- Provide funding for **magnet** schools programs to encourage racial integration through voluntary student transfers **($4 million)**

HIGHER EDUCATION

- Fully fund **Higher Education Coordinating Board recommended enrollment levels** for four year universities and community colleges, providing educational opportunities to an additional 6,308 full time equivalent students
- **Increase access to four year universities** by providing an additional 2,008 enrollments **($19.3 million)**. Enrollment distribution would be as follows:

Total Enrollments:

University of Washington	426
Washington State University	394
Eastern Washington University	348
Central Washington University	361
The Evergreen State College	78
Western Washington University	351
The Higher Education Coordinating Board	50

Including Branch Campuses at:

UW Tacoma	90
UW Bothell	95
WSU Vancouver	167
WSU Tri-Cities	76
WSU Spokane	67

- **Increase access to community colleges** by providing an additional 4,300 enrollments, including 500 for colleges that serve timber-dependent areas. Enrollment increases would be distributed according to the State Board for Community College Education plan. Total system enrollments would increase by nearly 4.5% **($17.5 million)**
- Provides additional financial aid for low-income students **($19.6 million)**. In addition, the **Educational Opportunity Grant Program is enhanced ($2 million)**

HUMAN SERVICES

- Initiate the **Health Care Purchasing Study** in order to increase purchasing power through cost containment **($2.3 million)**

- Provide a **Community Partnership Program** to provide technical and managerial assistance to community based organizations (**$500,000**)
- Provide for **flood relief** from flooding in the Fall of 1990 and Winter of 1991 ($5.7 million G.F. State, **$25.5 million** total)
- Increase funding to assure **safe drinking water** through testing, monitoring, compliance enforcement, and technical assistance (**$2.8 million**)
- **Increase child care** funding (**$31.6 million** federal block grant), including:

  --Expand DSHS child care slots
  --Raise child care subsidy rates (**$13.2m**)
  --Care for children of homeless families
  --Expand resource and referral services
  --Employer daycare
  --Grants to local communities for child care needs (**$4.9m**)
- Expand **early childhood education** (**$6.2m**)
- Improve services for **At-Risk Youth** through family reconciliation, expansion of Homebuilders, counseling, and legal assistance (**$1 million**)
- Expand efforts to reduce hunger and malnutrition by expanding the **WIC program** (**$5 million** total)
- Provide support to **food banks** for the transportation and storage of food, distribution, staff training, tribal voucher programs, and general operations (**$3.2 million**)
- Enhance state funding to Regional Support Networks to improve **community mental health** services - including increasing access to inpatient services, transportation of clients, a new statewide information system, and discretionary funds to be applied to implementation of local plans. Funds are provided to bring remaining counties into the RSN program, with Grays Harbor funds provided earlier than planned (**$28.2 million**)
- Expand **staffing ratios** at institutions for the developmentally disabled ($14.6 million G.F. State, **$21.8 million** total)
- Move an additional 250 residents of developmental disability institutions into **community placements** on a voluntary basis ($13.1 million G.F. State, **$26.2 million** total)
- Provide **employment opportunities** for developmentally disabled high school graduates (**$12.1 million**)
- Expand family support services to 725 families of developmentally disabled persons currently receiving no state services (**$5.7 million**)
- Prevent placement of developmental disability clients in **mental health institutions** (**$2.7 million**)
- Maximize available funding for **Vocational Rehabilitation** services (**$5.1 million** total)
- Establish five new **regional centers** to provide a variety of social services to the deaf and hard of hearing (**$1 million**)
- Increase **refugee services** in the areas of counseling, job referral, assessment, language, mental health, child care, and job training (**$800,000**)

CRIMINAL JUSTICE

- Provide funding for specialized **training for corrections officers** for emergency and quick response training (**$396,000**)
- Expand capacity and reimbursement rates for **community-based juvenile offender services** (**$5.3 million**)
- Establish a **juvenile justice task force** to assess, reform and improve the state's juvenile justice system and provide for an independent study of racial disproportionality in the juvenile justice system (**$90,000**)
- Expand victim/witness notification to include serious drug offenses ($75,000)
- Establish new programs to **license and train private detectives and security guards** ($66,000 GF-State, **$749,000** total)
- Provide funding to the Washington State Patrol to implement new requirements related to **registration of sex offenders** (**$60,000**)
- Include additional funding to the Washington State Association of Police Chiefs and Sheriffs to expand the incident based reporting system from its pilot stage of eight agencies to 45 agencies statewide (**$93,000** public safety and education funds)

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT

- Increase **energy conservation and cogeneration** efforts for state and school district facilities by providing construction loans and technical assistance (**$1 million** energy funds--start-up. Additional funding included in capital budget.)
- Increase energy policy activities toward the development of a long term strategy to deal with energy shortages and conservation (**$292,000**)

- Enhance funding to meet the goals of the **Puget Sound Water Quality Management** Plan with the focus on water quality monitoring, investigation of contamination sites, and enforcement of the plan provisions ($8 million G.F. State, **$19.8 million** total)
- Improve **water resource management** through regional water planning, water resource data management, expedited water rights application processing, and implementation of necessary provisions of the Chelan Agreement for water conservation planning (**$7.7 million**)
- Improve **air quality** through transportation demand management and controlling motor vehicle emissions, industrial air pollution, outdoor burning, and woodstoves ($574,000 G.F. State, **$19.2 million** total, air quality funds)
- Establish new programs for **marine oil spill prevention** and response (**$11 million** new oil spill funds)
- Provide additional equipment for state park maintenance ($500,000)
- Increase grants to **Conservation districts** beyond Governor's recommendation (**$726,000**)
- Restore Governor's reductions to **salmon program** (**$764,000**)
- Increase **enforcement** of commercial and recreational salmon harvesting regulations (**$427,000**)
- Increase legal support for tribal **shellfish litigation** efforts (**$1 million**)
- Participate in private/public cooperative development of **pen-raised coho** fishery enhancement projects (**$800,000**)
- Restore **game farm** program (**$770,000** Wildlife funds)
- Enhance **fresh water recreational fishing** opportunities (**$644,000** Game funds)
- Increase federal and local **fisheries mitigation** projects (**$1.6 million** total)
- Respond to increased workload in the processing of **timber cutting** applications under new forest practices guidelines (**$3.2 million**)
- Increase **fertilization and thinning** efforts in an attempt to maximize revenue production from state trust lands (**$5.7 million** trust management funds)
- Create the **Pacific Northwest Export Assistance** Center to provide export services such as marketing assistance and financial consultation to small and medium sized manufacturers and food processors (**$1.2 million**)

TIMBER ASSISTANCE

($16.3 million G.F. State, $53 million total)

- Provide **extended unemployment** compensation benefits of up to 52 weeks to unemployed timber workers enrolled in an Employment Security Department approved training course (**$23 million** unemployment compensation)
- Increase enrollment for the **Basic Health Plan** by 2,000 slots to accommodate dislocated workers and their families in the program (**$3.9 million**)
- Enhance efforts to promote **economic development and diversification** in timber dependent communities through technical assistance in value added manufacturing business network grants and other areas (**$4 million**)
- Provide forest industry training and **employment to dislocated timber workers both on and off of state lands** (**$2.5 million** employment and other funds)
- Increase **community college enrollment** in timber dependent communities by 500 FTE's for the 1991-93 biennium and provide additional funding to community colleges to offer economic diversification pilot projects in timber impacted areas. The Higher Education Coordinating Board distributes an additional 50 FTE's for upper-division enrollments for displaced timber workers to complete their baccalaureate degree (**$2.8 million**)
- Create the **Pacific Northwest Export Assistance Project** to assist small to medium-sized manufacturers in devising export strategies and increasing export sales and expertise (**$1.2 million**)
- Enhance the Department of Community Development's efforts to help timber dependent communities **build local capacity** for sustained economic growth (**$970,000**)
- Distribute grants to local social service teams to coordinate a broad range of **social services** to needy families in timber dependent communities (**$1 million**)
- Offer **mortgage assistance** loans to families unable to make current home mortgage payments due to loss of employment in the timber industry (**$750,000**)
- Enhance **reemployment training** efforts through the Self-Employment and Enterprise Development program, regional reemployment support centers (**$570,000** employment funds)
- Establish a **research center on the Olympic Peninsula** to explore the potential for developing employment opportunities through ocean resources and forest management (**$575,000**)

- Bring **Grays Harbor County into the regional support network** mental health system in January 1992, one year ahead of its scheduled inclusion **($589,000)**
- Make **infrastructure** support available to timber dependent communities through the Public Works Trust Fund and the Community Economic Revitalization Board. These programs will provide loans to local governments to upgrade existing infrastructure and loans and grants to construct new infrastructure facilities to enable businesses to relocate in timber dependent areas **($11.0 million** dedicated funds in the Capital Budget)

GENERAL GOVERNMENT

- Enable **yearly notification of service credit** for all members of the state retirement systems **($2.4 million** - retirement funds)
- Provide additional management and legal counsel, outside management review and additional **investment management** staff to improve return on investment of state assets **($2.2 million** investment earnings funds)
- Add **revenue collection** staff and improve technology in the Department of Revenue to collect and additional $54.7 million in revenues owed **($8.3 million)**
- **Expand the Capitol Shuttle** routes **($360,000** revolving funds)
- Increase state government **recycling ($694,000** ecology and revolving funds)
- Add **cigarette tax enforcement staff** to the Liquor Control Board to increase collection of unpaid cigarette taxes by $3.8 million in 1991-93 **($2.8 million)**

COMPENSATION

K-12 Employees - $316.9 million

- **All teachers would receive raises** of 4.0 percent on September 1, 1991 and another 3.55 percent for the next school year
- Over one-half of existing teachers receive **longevity steps** averaging 3.2 percent per year. Systemwide, that equates to another 1.6 percent salary increase for each year in 1991-93 for a total salary increase of 5.6 percent in 1992 and 5.15 percent in 1993
- **Classified staff** will receive salary increases of 4.0 percent and 3.55 percent

State Employees - $169.2 million

- **All employees would get raises** of 3.6 percent on January 1, 1992 and another 3.6 percent on January 1, 1993
- Over 40 percent of existing state employees receive **longevity increases** of 5 percent each year. Statewide, that equates to another 1.9 percent salary increase for each year of the ensuing biennium for a total salary increase of 5.5 percent in 1992 and 5.5 percent in 1993

Higher Education - $79.1 million

- **All faculty and exempt staff would receive salary increases** of 3.9 percent for 1992 and another 3.9 percent for 1993

Other Compensation - $244.9 million

- The current **health benefit** rate of $256 per month for each state and higher education employee is raised to $298 in 1992 and $328 in 1993. For K-12 employees, the rate is raised from the current $246 per month to $290 in 1992 and $322 in 1993 ($146.5 million G.F. State, **$189 million** total, for the increased cost of health benefits)
- **Registered Nurse II employees** at state institutions would receive increases of 3.1 percent on January 1, 1992 and another 3.6 percent the following year, in addition to across-the-board increases granted to all state employees. The differential is intended to decrease salary deficiencies compared to private salary benchmarks for nurses. Night shift differentials are also increased ($3.1 million G.F. State, **$3.9 million** total)
- Certain classes of other employees including **psychologists, transportation engineers and environmental engineers** will receive additional raises to address recruitment and retention problems ($1.7 million G.F. State, **$7 million** total)
- Provides a 17-month increase in **pension benefits** beginning in February 1992 to Plan I retirees in the Teachers and Public Employees Retirement Systems in order to bring the purchasing power of their benefits back to 60 percent of the purchasing power the benefits had when the retirees were age 65. Approximately 17,000 retirees, whose average age is 80, will receive this improvement ($12 million G.F. State, **$15 million**, total)
- Includes funding to fulfill the 1991-93 obligations of the 1986 **comparable worth** agreement ($15 million G.F. State, **$30 million** total)

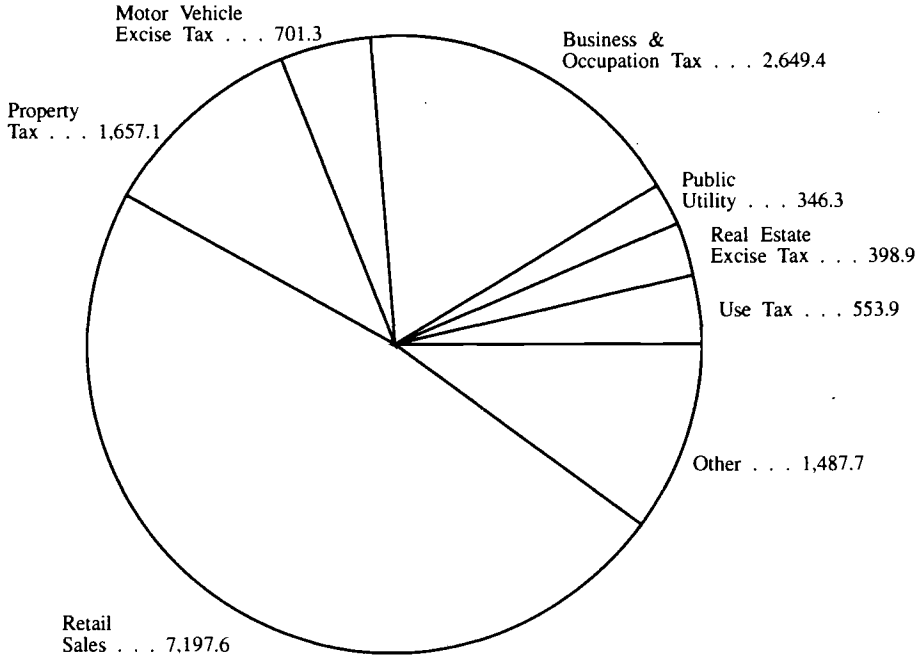
Washington State Revenue Forecast -- June 1990

1991-93 Forecast

GENERAL FUND - STATE

(Dollars in Millions)

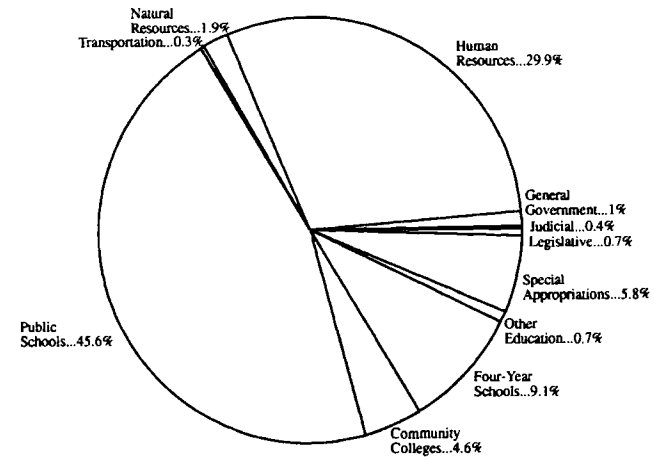
Sources of Revenue	
Retail Sales	$7,197.6
Business & Occupation	2,649.4
Use Tax	533.9
Real Estate Excise	398.9
Public Utility	346.3
Property Tax	1,657.1
Motor Vehicle Excise	701.3
Other	1,487.7
1991-93 FORECAST	**$14,972.2**



Washington State 1991-1993 Operating Budget

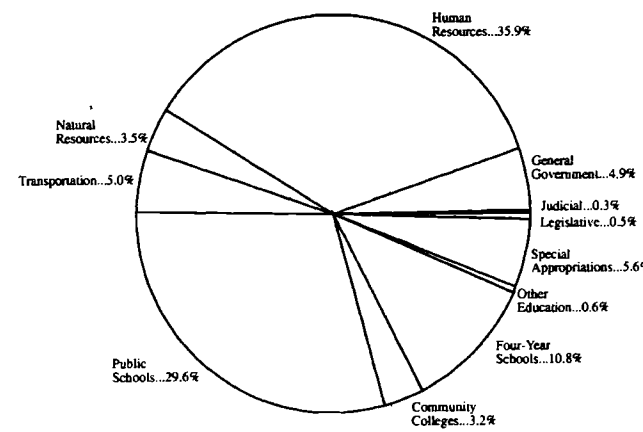
(Dollars in Thousands)

General Fund - State	
Legislative	$116,714
Judicial	61,376
Human Resources	4,701,318
Natural Resources	297,962
Transportation	45,329
Public Schools	7,181,623
Community Colleges	718,695
Four Year Schools	1,433,166
Other Education	109,949
Special Appropriations	911,766
1991-93 Budget	**$15,742,666**



General Fund-State

Total Budgeted Funds	
Legislative	$123,988
Judicial	89,785
General Government	1,295,714
Human Resources	9,395,628
Natural Resources	914,090
Transportation	1,321,994
Public Schools	7,754,731
Community Colleges	837,668
Four Year Schools	2,822,010
Other Education	156,460
Special Appropriations	1,466,674
1991-93 Budget	**$26,178,742**



Total Budgeted Funds

Washington State Operating Budget Comparisons

1989-91 Estimate VS. 1991-93 Legislative Budget

(Dollars in Thousands)

Statewide	General Fund - State			Total All Funds		
	1989-91	1991-93	Difference	1989-91	1991-93	Difference
Legislative	104,502	116,714	12,212	110,073	123,988	13,915
Judicial	61,175	61,376	201	86,558	89,785	3,227
General Government	159,305	164,758	5,453	1,118,550	1,295,714	177,164
Human Resources	3,728,104	4,701,318	973,214	7,359,433	9,395,628	2,036,195
Natural Resources	388,248	297,962	(90,286)	850,567	914,090	63,523
Transportation	51,202	45,329	(5,873)	1,071,460	1,321,994	250,534
Total Education	7,966,542	9,443,433	1,476,891	9,841,706	11,570,869	1,729,163
Public Schools	5,957,749	7,181,623	1,223,874	6,379,507	7,754,731	1,375,224
Community Colleges	636,106	718,695	82,589	740,330	837,668	97,338
Four Year Schools	1,280,822	1,433,166	152,344	2,580,368	2,822,010	241,642
Other Education	91,865	109,949	18,084	141,501	156,460	14,959
Special Appropriations	740,990	911,776	170,786	1,067,221	1,466,674	399,453
STATEWIDE TOTAL	**13,200,068**	**15,742,666**	**2,542,598**	**21,505,568**	**26,178,742**	**4,673,174**

NOTE:
1989-91 Estimate includes amounts from the 1991 Supplemental Budgets and other legislation.
1991-93 Budget includes amounts from the Omnibus Budget, Transportation Budget, and other legislation.

Washington State Operating Budget Comparisons

1989-91 Estimate VS. 1991-93 Legislative Budget

TOTAL LEGISLATIVE & JUDICIAL
(Dollars in Thousands)

	General Fund - State			Total All Funds		
	1989-91	1991-93	Difference	1989-91	1991-93	Difference
Legislative	**104,502**	**116,714**	**12,212**	**110,073**	**123,988**	**13,915**
House of Representatives	50,267	53,992	3,725	50,267	53,992	3,725
Senate	37,580	41,071	3,491	37,580	41,071	3,491
Legislative Budget Committee	1,919	2,384	465	1,919	2,384	465
Legislative Transportation Committee	0	0	0	3,583	3,978	395
LEAP Committee	2,728	2,858	130	2,728	3,247	519
Office of the State Actuary	0	0	0	1,236	1,280	44
Joint Legislative Systems Committee	5,628	8,623	2,995	5,628	8,623	2,995
Statute Law Committee	6,134	6,898	764	6,886	8,525	1,639
Redistricting Commission	246	888	642	246	888	642
Judicial	**61,175**	**61,376**	**201**	**86,558**	**89,785**	**3,227**
Supreme Court	14,346	15,060	714	14,346	15,060	714
State Law Library	3,032	3,189	157	3,032	3,189	157
Court of Appeals	14,342	15,620	1,278	14,342	15,620	1,278
Commission on Judicial Conduct	835	955	120	835	955	120
Office of Administrator for Courts	28,620	26,552	(2,068)	54,003	54,961	958
TOTAL LEGISLATIVE & JUDICIAL	**165,677**	**178,090**	**12,413**	**196,631**	**213,773**	**17,142**

Washington State Operating Budget Comparisons

1989-91 Estimate VS. 1991-93 Legislative Budget

TOTAL GENERAL GOVERNMENT
(Dollars in Thousands)

	General Fund - State			Total All Funds		
	1989-91	1991-93	Difference	1989-91	1991-93	Difference
Office of the Governor	7,660	7,773	113	7,660	7,773	113
Office of the Lieutenant Governor	550	524	(26)	550	524	(26)
Public Disclosure Commission	1,376	1,884	508	1,376	1,884	508
Office of the Secretary of State	8,605	8,618	13	12,564	13,294	730
Governor's Office of Indian Affairs	309	318	9	309	318	9
Commission on Asian-American Affairs	330	370	40	330	370	40
Office of the State Treasurer	0	0	0	9,436	9,615	179
Office of the State Auditor	1,138	615	(523)	29,634	31,446	1,812
Commission on Salaries for Elected Officials	82	82	0	82	82	0
Office of the Attorney General	7,569	6,264	(1,305)	87,372	103,197	15,825
Economic & Revenue Forecast Council	693	868	175	693	868	175
Office of Financial Management	23,150	20,563	(2,587)	31,730	31,222	(508)
Office of Administrative Hearings	0	0	0	10,598	11,730	1,132
Department of Personnel	1	0	(1)	24,746	27,110	2,364
Deferred Compensation Committee	299	384	85	1,914	2,455	541
State Lottery Commission	0	0	0	333,798	405,703	71,905
Washington State Gambling Commission	0	0	0	10,081	11,188	1,107
Washington State Commission on Hispanic Affairs	376	401	25	376	401	25
Governor's Commission on African-American Affairs	233	286	53	233	286	53
Personnel Appeals Board	0	0	0	781	862	81
Department of Retirement Systems	1	0	(1)	23,766	27,791	4,025

Washington State Operating Budget Comparisons

1989-91 Estimate VS. 1991-93 Legislative Budget

TOTAL GENERAL GOVERNMENT
(Dollars in Thousands)

--Continued

	General Fund - State			Total All Funds		
	1989-91	1991-93	Difference	1989-91	1991-93	Difference
State Investment Board	2	0	(2)	2,304	4,555	2,251
Department of Revenue	79,080	91,543	12,463	84,348	98,075	13,727
Board of Tax Appeals	1,390	1,572	182	1,390	1,572	182
Municipal Research Council	2,212	2,385	173	2,212	2,385	173
Uniform Legislation Commission	37	49	12	37	49	12
Minority & Women's Business Affairs	2,168	2,319	151	2,168	2,319	151
Department of General Administration	9,838	5,119	(4,719)	105,396	145,646	40,250
Department of Information Services	781	428	(353)	168,059	175,564	7,505
United States Presidential Electors	0	1	1	0	1	1
Office of Insurance Commissioner	49	0	(49)	13,352	15,432	2,080
State Board of Accountancy	505	523	18	1,061	1,192	131
Death Investigation Council	0	0	0	9	12	3
Professional Athletic Commission	143	144	1	143	144	1
Washington Horse Racing Commission	0	0	0	4,557	4,865	308
Washington State Liquor Control Board	21	0	(21)	100,091	106,415	6,324
Utilities and Transportation Commission	33	0	(33)	27,779	29,509	1,730
Board for Volunteer Firefighters	0	0	0	337	373	36
Military Department	8,720	9,549	829	15,324	17,311	1,987
Public Employment Relations Commission	1,954	2,176	222	1,954	2,176	222
TOTAL GENERAL GOVERNMENT	**159,305**	**164,758**	**5,453**	**1,118,550**	**1,295,714**	**177,164**

Washington State Operating Budget Comparisons

1989-91 Estimate VS. 1991-93 Legislative Budget

TOTAL HUMAN RESOURCES
(Dollars in Thousands)

	General Fund - State			Total All Funds		
	1989-91	1991-93	Difference	1989-91	1991-93	Difference
DSHS	3,039,248	3,870,101	830,853	5,724,859	7,480,996	1,756,137
Washington State Health Care Authority	0	366	366	7,273	9,723	2,450
Department of Community Development	93,991	102,767	8,776	270,564	287,233	16,669
Human Rights Commission	3,984	4,292	308	5,128	5,754	626
Board of Industrial Insurance Appeals	0	0	0	13,287	16,876	3,589
Criminal Justice Training Commission	0	66	66	10,271	12,488	2,217
Department of Labor and Industries	9,737	10,708	971	274,973	336,632	61,659
Indeterminate Sentence Review Board	3,036	3,247	211	3,036	3,247	211
Department of Health	107,329	132,613	25,284	238,511	292,659	54,148
Department of Veterans' Affairs	21,377	21,839	462	36,211	38,976	2,765
Department of Corrections	431,788	505,934	74,146	436,708	542,474	105,766
Department of Services for the Blind	2,567	2,957	390	11,499	12,510	1,011
Washington Basic Health Plan	13,768	45,768	32,000	28,241	60,321	32,080
Sentencing Guidelines Commission	592	628	36	592	628	36
Department of Employment Security	687	32	(655)	298,280	295,111	(3,169)
TOTAL HUMAN RESOURCES	**3,728,104**	**4,701,318**	**973,214**	**7,359,433**	**9,395,628**	**2,036,195**

Washington State Operating Budget Comparisons

1989-91 Estimate VS. 1991-93 Legislative Budget

TOTAL DEPARTMENT OF SOCIAL & HEALTH SERVICES
(Dollars in Thousands)

	General Fund - State			Total All Funds		
	1989-91	1991-93	Difference	1989-91	1991-93	Difference
Children and Family Services	260,829	277,041	16,212	346,889	457,833	110,944
Juvenile Rehabilitation	89,542	116,364	26,822	93,008	120,492	27,484
Mental Health	401,316	486,440	85,124	515,334	619,008	103,674
Developmental Disabilities	240,395	364,678	124,283	500,490	626,157	125,667
Long-Term Care Services	437,268	565,033	127,765	928,494	1,230,982	302,488
Income Assistance Grants	492,380	601,519	109,139	1,041,091	1,257,062	215,971
Alcohol & Substance Abuse	42,704	45,437	2,733	109,457	125,364	15,907
Medical Assistance Payments	756,694	1,044,422	287,728	1,482,624	2,205,554	722,930
Vocational Rehabilitation	13,423	16,601	3,178	65,469	73,574	8,105
Administration and Supporting Services	56,536	53,529	(3,007)	96,115	91,315	(4,800)
Community Services Administration	169,432	221,996	52,564	376,425	489,311	112,886
Revenue Collections	40,606	43,979	3,373	114,333	139,766	25,433
Payments to Other Agencies	38,123	33,062	(5,061)	55,130	44,578	(10,552)
Information System Services	0	0	0	0	0	0
TOTAL DSHS	**3,039,248**	**3,870,101**	**830,853**	**5,724,859**	**7,480,996**	**1,756,137**

Washington State Operating Budget Comparisons

1989-91 Estimate VS. 1991-93 Legislative Budget

TOTAL NATURAL RESOURCES
(Dollars in Thousands)

	General Fund - State			Total All Funds		
	1989-91	1991-93	Difference	1989-91	1991-93	Difference
Washington State Energy Office	2,363	2,359	(4)	38,646	52,006	13,360
Washington Centennial Commission	1,093	0	(1,093)	2,237	0	(2,237)
Columbia River Gorge Commission	582	537	(45)	1,110	1,053	(57)
Department of Ecology	64,034	65,589	1,555	179,776	243,757	63,981
Washington Pollution Liability Re-Insurance Program	0	0	0	7,316	40,428	33,112
State Parks and Recreation Commission	62,978	38,480	(24,498)	80,136	59,818	(20,318)
Interagency Committee for Outdoor Recreation	0	0	0	2,461	2,248	(213)
Environmental Hearings Office	989	1,180	191	989	1,180	191
Department of Trade and Economic Development	32,207	33,708	1,501	33,888	36,552	2,664
State Conservation Commission	1,369	2,189	820	1,557	2,381	824
Winter Recreation Commission	10	20	10	10	20	10
Puget Sound Water Quality Authority	3,619	3,679	60	5,416	4,981	(435)
Department of Fisheries	58,030	61,034	3,004	83,293	90,272	6,979
Department of Wildlife	10,372	11,497	1,125	76,626	82,984	6,358
Department of Natural Resources	130,418	58,010	(72,408)	256,223	205,417	(50,806)
Department of Agriculture	20,184	19,680	(504)	62,978	65,969	2,991
State Convention and Trade Center	0	0	0	17,905	21,490	3,585
Office of Marine Safety	0	0	0	0	3,534	3,534
TOTAL NATURAL RESOURCES	**388,248**	**297,962**	**(90,286)**	**850,567**	**914,090**	**63,523**

Washington State Operating Budget Comparisons

1989-91 Estimate VS. 1991-93 Legislative Budget

TOTAL TRANSPORTATION
(Dollars in Thousands)

	General Fund - State			Total All Funds		
	1989-91	1991-93	Difference	1989-91	1991-93	Difference
Board of Pilotage Commissioners	0	0	0	178	185	7
Washington State Patrol	27,976	24,089	(3,887)	202,613	216,311	13,698
Washington Traffic Safety Commission	0	0	0	8,468	6,185	(2,283)
Department of Licensing	22,400	21,240	(1,160)	142,343	153,301	10,958
Department of Transportation	824	0	(824)	647,141	725,997	78,856
County Road Administration Board	0	0	0	26,619	61,030	34,411
Transportation Improvement Board	0	0	0	42,780	156,598	113,818
Marine Employees' Commission	0	0	0	317	334	17
Transportation Commission	2	0	(2)	726	1,500	774
Air Transportation Commission	0	0	0	275	553	278
TOTAL TRANSPORTATION	**51,202**	**45,329**	**(5,873)**	**1,071,460**	**1,321,994**	**250,534**

Washington State Operating Budget Comparisons

1989-91 Estimate VS. 1991-93 Legislative Budget

TOTAL EDUCATION
(Dollars in Thousands)

	General Fund - State			Total All Funds		
	1989-91	**1991-93**	**Difference**	**1989-91**	**1991-93**	**Difference**
Public Schools	5,957,749	7,181,623	1,223,874	6,379,507	7,754,731	1,375,224
Community College System	636,106	718,695	82,589	740,330	837,668	97,338
Four Year Schools	**1,280,822**	**1,433,166**	**152,344**	**2,580,368**	**2,822,010**	**241,642**
University of Washington	617,568	689,170	71,602	1,695,832	1,842,244	146,412
Washington State University	339,163	381,720	42,557	500,060	552,223	52,163
Eastern Washington University	92,970	103,396	10,426	108,569	120,098	11,529
Central Washington University	78,863	88,061	9,198	99,759	111,346	11,587
The Evergreen State College	49,194	55,374	6,180	54,824	61,674	6,850
Western Washington University	103,064	115,445	12,381	121,324	134,425	13,101
Other Education	**91,865**	**109,949**	**18,084**	**141,501**	**156,460**	**14,959**
Compact for Education	92	101	9	92	101	9
Higher Education Coordinating Board	63,692	79,531	15,839	68,282	83,127	14,845
Washington Institute of Applied Technology	3,077	3,143	66	3,986	3,749	(237)
State Board for Vocational Education	4,353	4,043	(310)	32,519	37,566	5,047
Higher Education Personnel Board	0	0	0	2,106	2,405	299
State Library	13,043	14,495	1,452	24,644	19,212	(5,432)
Washington State Arts Commission	4,628	4,706	78	5,645	5,606	(39)
Washington State Historical Society	1,184	1,278	94	2,155	1,831	(324)
Eastern Washington State Historical Society	786	922	136	937	998	61
State Capitol Historical Association	1,010	1,117	107	1,135	1,252	117
Spokane Joint Center	0	613	613	0	613	613
TOTAL EDUCATION	**7,966,542**	**9,443,433**	**1,476,891**	**9,841,706**	**11,570,869**	**1,729,163**

Washington State Operating Budget Comparisons

1989-91 Estimate VS. 1991-93 Legislative Budget

TOTAL PUBLIC SCHOOLS
(Dollars in Thousands)

	General Fund - State			Total All Funds		
	1989-91	1991-93	Difference	1989-91	1991-93	Difference
State Office Administration	20,682	23,813	3,131	32,589	37,355	4,766
General Apportionment	4,667,651	5,215,683	548,032	4,667,651	5,215,683	548,032
Pupil Transportation	262,695	292,126	29,431	262,695	292,126	29,431
Vocational Technical Institutes and Adult Education	87,244	86,545	(699)	87,244	86,545	(699)
School Food Services	8,000	6,000	(2,000)	136,857	203,000	66,143
Handicapped Education	565,681	691,346	125,665	624,681	775,246	150,565
Traffic Safety Education	0	0	0	14,095	5,321	(8,774)
Educational Service Districts	10,984	11,070	86	10,984	11,070	86
Levy Equalization	97,391	144,606	47,215	97,391	144,606	47,215
Education Consolidation/Improvement Act	0	0	0	138,000	178,000	40,000
Indian Education	0	0	0	317	332	15
Institutional Education	23,586	24,950	1,364	31,592	32,650	1,058
Adult Basic Education	0	0	0	3,500	4,700	1,200
Education of Highly Capable Students	7,469	10,398	2,929	7,469	10,398	2,929
School District Support	5,784	6,155	371	23,620	25,749	2,129
Special and Pilot Programs	25,141	62,036	36,895	29,117	73,536	44,419
Federal Encumbrances	0	0	0	36,216	51,216	15,000
Transitional Bilingual Instruction	20,022	23,882	3,860	20,022	23,882	3,860
Remediation Assistance	76,020	91,732	15,712	76,020	91,732	15,712
Educational Clinics	3,584	3,584	0	3,584	3,584	0
Education Enhancement	54,463	58,724	4,261	54,463	58,724	4,261
Schools for the Blind and Deaf	18,001	19,107	1,106	18,049	19,410	1,361
Compensation Adjustments	1,571	402,416	400,845	1,571	402,416	400,845
Teachers' Retirement	1,780	7,450	5,670	1,780	7,450	5,670
TOTAL PUBLIC SCHOOLS	**5,957,749**	**7,181,623**	**1,223,874**	**6,379,507**	**7,754,731**	**1,375,224**

Washington State Operating Budget Comparisons

1989-91 Estimate VS. 1991-93 Legislative Budget

TOTAL SPECIAL APPROPRIATIONS
(Dollars in Thousands)

	General Fund - State			Total All Funds		
	1989-91	**1991-93**	**Difference**	**1989-91**	**1991-93**	**Difference**
Bond Retirement and Interest	474,190	600,303	126,113	795,700	1,009,464	213,764
Special Appropriations to the Governor	600	3,042	2,442	5,005	3,892	(1,113)
Treasurer's Transfers	0	0	0	0	0	0
Belated Claims	0	800	800	0	800	800
Sundry Claims	861	10	(851)	1,095	10	(1,085)
Tort Claims	16,235	9,532	(6,703)	16,317	24,784	8,467
State Employee Compensation Adjustment	0	115,019	115,019	0	241,654	241,654
Agency Loans	9,637	13,266	3,629	9,637	13,266	3,629
One-Time Grants	107,500	0	(107,500)	107,500	0	(107,500)
Contributions to Retirement Systems	131,967	169,804	37,837	131,967	172,804	40,837
TOTAL SPECIAL APPROPRIATIONS	**740,990**	**911,776**	**170,786**	**1,067,221**	**1,466,674**	**399,453**

Capital Budget (ESHB 1427) - 1991-93

New projects	Governor's Budget	Legislative Budget	State GO Bonds
OFFICE OF THE SECRETARY OF STATE			
N.W. WA. Reg. Branch Archives (Bellingham)	360,000	360,000	360,000
Archives Bldg (Oly.) Acquisition & Installation-Moveable Shelving	60,800	60,800	60,800
Essential Records Storage Site (Birch Bay)-Wood Bldg Roof Repair	22,200	22,200	22,200
Puget Sound Regional Branch (Sea/Tac) - Preplan and Renovate	52,400	52,400	52,400
AGENCY TOTAL	495,400	495,400	495,400
COURT OF APPEALS			
Remodel Spokane Court House	0	236,000	236,000
AGENCY TOTAL	0	236,000	236,000
OFFICE OF ADMINISTRATOR FOR THE COURTS			
Olympia Eastside Building Repair	0	150,000	150,000
AGENCY TOTAL	0	150,000	150,000
OFFICE OF FINANCIAL MANAGEMENT			
Capital Planning	0	282,000	282,000
Asbestos Pool	0	10,128,000	9,588,000
Underground Storage Tanks Pool	0	4,274,000	3,729,000
Higher Education: Branch Campuses Site Acquisition & Development	31,000,000	31,000,000	31,000,000
AGENCY TOTAL	31,000,000	45,684,000	44,599,000
DEPARTMENT OF GENERAL ADMINISTRATION			
Construction of Archives Storage Building: Airdustrial Park	671,000	671,000	671,000
Emergency Repairs	485,000	368,000	132,000
Remove/Replace Underground Storage Tanks	630,000	140,000	140,000
Asbestos Abatement Project	2,614,000	0	0
Small Repairs and Improvements	625,000	538,000	129,000
Highway-Licenses Building Renovation	26,625,000	22,438,000	22,438,000
General Administration Building Renovation Preplan & Phase I	1,200,000	1,200,000	0
Condition Assessment of GA-Owned Facilities	1,091,000	1,091,000	500,000
Campus High Voltage Loop Improvements (Phase 2)	1,009,000	1,009,000	0
Plaza Garage Elevator Repairs	1,633,000	1,633,000	0
Plaza/Transportation Garage Deficiencies Preplan/Design/Construction	750,000	0	0
Legislative Building Renovation Preplan and Improvements	850,000	0	0
Minor Works: Building Electrical Repairs	336,000	317,000	0
Capital Campus Control System Improvements (Phases 2 & 3)	1,671,000	1,671,000	0
Capital Lake Repairs	1,125,000	1,125,000	1,125,000
Minor Works - Utilities and Grounds Improvements	1,487,000	1,284,000	300,000
Minor Works - Building Exterior Repairs	2,140,000	2,140,000	968,000
Minor Works - Building Interior Repairs	2,637,000	1,406,000	1,067,000
Minor Works - Building Mechanical System Improvements	1,307,000	944,000	260,000
Northern State Facility Repairs	280,000	280,000	0
Deschutes Parkway Road/Storm Drainage	285,000	0	0
Governor's Mansion Structural Repairs & Sprinkler Installation	80,000	80,000	0
OB-2 Replace Motor Control System	1,740,000	0	0

Capital Budget (ESHB 1427) - 1991-93

New projects	Governor's Budget	Legislative Budget	State GO Bonds
Minor Works - Preplans and Studies	994,000	750,000	0
Capital Lake Dredging	2,000,000	2,000,000	2,000,000
Master Plan Property Acquisition	30,000,000	8,000,000	8,000,000,
Statewide Office Co-Location Plan	225,000	0	0
Statewide Environmental Audits	3,485,000	0	0
Statewide Asbestos Survey and Inventory Management	252,000	0	0
Implementation Strategy for State Facilities in Thurston County	300,000	300,000	300,000
State Capitol Satellite Campuses Master Plan	750,000	750,000	750,000
John L. O'Brien Building HVAC repairs	0	650,000	650,000
Business Park Facilities Master Plan	500,000	250,000	250,000
Heritage Park Acquisition, Preplan and Construction	6,700,000	6,700,000	6,700,000
Capitol Campus Geotechnical & Hydrologic Survey	300,000	200,000	200,000
AGENCY TOTAL	96,777,000	57,935,000	46,580,000
DEPARTMENT OF INFORMATION SERVICES			
DIS Building Preplan	350,000	0	0
AGENCY TOTAL	350,000	0	0
LIQUOR CONTROL BOARD			
Preplanning Liquor Distribution Ctr. w/ Materials Handling System	120,000	120,000	0
AGENCY TOTAL	120,000	120,000	0
MILITARY DEPARTMENT			
Life/Safety Code Compliance	624,000	485,000	485,000
Roof Renovation or Replacement Projects	641,000	641,000	641,000
Facility Heating, Ventilating and Air Conditioning Renovation	248,000	248,000	248,000
Minor Works in Support of Small Federal Construction Projects	1,500,000	1,500,000	375,000
Construction of the Buckley Armory	2,854,800	2,855,000	1,127,000
Construction Moses Lake Armory	0	3,010,000	1,206,000
Construction Grandview Armory	0	2,704,000	1,102,000
Minor Works	735,200	735,000	735,000
Repair/Replacement of Underground Storage Tanks	539,000	270,000	270,000
Asbestos Survey/Abatement Projects	456,700	0	0
Small Repairs and Improvements: Projects less than $25,000 each	292,100	292,000	292,000
AGENCY TOTAL	7,890,800	12,740,000	6,481,000
TOTAL GENERAL GOVERNMENT	**136,633,200**	**117,360,400**	**98,541,400**
DEPARTMENT OF COMMUNITY DEVELOPMENT			
Emergency Management Building Minor Works	246,416	180,000	180,000
Columbia River Dredging Feasibility Study	600,000	600,000	600,000
Resource Center for the Handicapped	1,500,000	1,500,000	1,500,000
Development Loan Fund	2,000,000	2,000,000	0
Columbia Gorge Interpretive Center	5,000,000	5,000,000	5,000,000
Tears of Joy	0	1,950,000	1,950,000
Seattle Center	0	8,500,000	8,500,000

Capital Budget (ESHB 1427) - 1991-93

New projects	Governor's Budget	Legislative Budget	State GO Bonds
Columbia County Courthouse	0	60,000	60,000
Northeast Tacoma Educational Enrichment Center	0	2,200,000	2,200,000
Snohomish County Drainage Dist #6	0	350,000	350,000
Almira Coulee-Hartline School District	0	240,000	240,000
Seattle-King County Playing Fields	0	0	0
Meeker Mansion Park	0	200,000	200,000
Marcus Whitman Statue	0	53,000	53,000
Mystic Lake Flood Assistance	0	53,000	53,000
Bonney Lake Park	0	35,000	35,000
Yakima Justice Center	0	3,000,000	3,000,000
Enumclaw Performing Arts Center	0	0	0
Maritime Museum	0	200,000	200,000
Spokane Food Bank	0	125,000	125,000
Carolyn Downs	0	500,000	500,000
Asian Resource Center	0	150,000	150,000
Pike Place Market	0	1,500,000	1,500,000
County Flood Contol Projects	0	1,235,000	1,235,000
KeyPort Naval Undersea Musuem	0	300,000	300,000
Vancouver Water Front Planning	0	100,000	100,000
Building For The Arts	11,000,000	10,738,900	10,738,900
School Safety Infrastructure	0	0	0
Housing Programs	65,000,000	50,150,000	50,000,000
Public Works Trust Fund	88,490,582	88,491,000	0
AGENCY TOTAL	173,836,998	179,410,900	88,769,900
DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Preplanning	273,300	273,300	0
Minor Capital Renewal, Fire Safety	770,700	770,700	0
Environmental	598,700	359,000	0
Emergency & Unanticipated Projects	250,000	250,000	0
Underground Storage Tanks	760,000	145,000	0
Western State - Ward Renovation, Phase 5	13,909,200	13,669,000	13,669,000
Eastern State - Ward Renovation, Phase 3	7,730,200	7,578,000	7,578,000
Minor Capital Renewal, Utility & Facility	802,200	750,000	0
Minor Capital Renewal, Roads & Grounds	961,800	961,800	0
Minor Capital Renewal, Roofs	851,200	820,000	0
Small Works	200,000	192,000	0
Minor Projects - Alcohol & Substance Abuse Division	300,000	300,000	0
Minor Projects - Juvenile Rehabilitation Division	957,500	957,500	0
Minor Projects - Mental Health Division	1,317,200	1,317,200	0
Minor Projects: Developmental Disabilities Division	912,400	912,400	0
Maple Lane - Level 1 Security Units	6,715,800	6,715,800	6,715,800
Maple Lane - Level 2 Security Units	3,377,400	3,107,000	3,107,000
Child Study - Education Center 1	2,642,347	2,642,300	2,642,300
Maintenance Management	292,800	292,800	0
Resource Conservation	561,100	561,100	0

Capital Budget (ESHB 1427) - 1991-93

New projects	Governor's Budget	Legislative Budget	State GO Bonds
Western State Research Facility	0	700,000	0
Peninsula Lodge Renovation	0	0	0
Child Care Facilities for State Employees	2,500,000	2,500,000	2,500,000
AGENCY TOTAL	46,683,847	45,774,900	36,212,100
DEPARTMENT OF HEALTH			
Implementation of 1980 Master Plan	1,200,000	1,200,000	1,200,000
Consolidated Request - Emergency Repairs	49,560	49,560	0
Vaccine Storage	89,922	89,922	0
Consolidated Request - Small Repairs & Improvements	49,560	49,560	0
Lab Improvement - Pesticide & Newborn Screening	297,124	297,124	0
Fume Hood Addition or Replacement	176,208	176,208	0
Autoclave and Sterilizing Oven Replacement	92,509	92,509	0
Energy Management System - Phase III	99,117	99,117	0
AGENCY TOTAL	2,054,000	2,054,000	1,200,000
DEPARTMENT OF VETERANS' AFFAIRS			
Air Quality - Building 9 - Phase 2	277,951	277,951	0
Minor Works - Roads, Walkways and Grounds	304,129	304,129	0
Minor Works - Building Improvements - Phase 2	299,592	299,592	0
Minor Project - Asbestos Removal - Phase 2	300,000	0	0
Steam Distribution Study	3,409	3,409	0
Design and Renovate Garfield	4,428,000	4,428,000	0
Minor Works - Building Renovations - Phase 2	435,570	435,570	0
Minor Works - Mechanical	307,282	307,282	0
Contingency for Emergency Repairs	150,000	150,000	0
Preplanning for Eastern Washington Veterans Services	148,492	148,492	0
Minor Works - Building Exteriors	134,011	134,000	0
Minor Works - Building Repairs	121,111	121,111	0
Minor Works - Underground Storage Tanks	62,020	60,000	0
Minor Works - Covered Walkway	38,038	38,038	0
Minor Works - State Employee Child Care Facility	24,799	0	0
Minor Works - Building Feasibility Studies	13,414	13,414	0
AGENCY TOTAL	7,047,818	6,720,988	0
DEPARTMENT OF CORRECTIONS			
McNeil Island Implement Master Plan	37,126,000	37,126,000	37,126,000
Forestry Camp Expansion	3,000,000	0	0
McNeil Island Renovation of Utilities	3,230,500	3,230,500	3,230,500
Western WA Work/Training Release Relocation & Expansion	3,531,000	0	0
New Prison Facilities	93,036,000	96,036,000	96,036,000
McNeil Island Building Repairs/Fire and Safety	2,040,000	2,040,000	2,040,000
Monroe Facility Improvements	9,687,000	9,687,000	9,687,000
Walla Walla Improve Security Facilities and Utilities	1,609,000	1,609,000	1,609,000
Statewide Asbestos Removal/Encapsulation	1,000,000	0	0
Purdy Implement Master Plan	3,388,000	3,388,000	3,388,000

Capital Budget (ESHB 1427) - 1991-93

New projects	Governor's Budget	Legislative Budget	State GO Bonds
Statewide Water System Improvements	3,231,000	1,731,000	1,731,000
McNeil Island Repairs to Transportation System	1,922,500	1,922,500	1,922,500
Statewide Wastewater System Improvements	798,000	2,298,000	2,298,000
Statewide Roof Repair	2,631,000	2,631,000	2,631,000
Statewide Emergency Repair Projects	1,500,000	750,000	0
Shelton Boiler Improvements	2,164,000	2,164,000	2,164,000
Statewide Minor Projects	10,000,000	7,500,000	7,500,000
Underground Storage Tanks	1,500,000	300,000	300,000
Walla Walla MSC Inmate Services	1,443,000	1,443,000	1,443,000
Cedar Creek Upgrade Facilities	1,426,000	1,426,000	1,426,000
Monroe Restoration and Repair of Perimeter Walls	1,084,000	1,084,000	1,084,000
Monroe-Honor Farm Implement Master Plan	1,000,000	230,000	230,000
Statewide Small Repairs and Improvements	994,000	497,000	497,000
Walla Walla MSC Gymnasium	888,000	888,000	888,000
Shelton Install Steam Lines	729,000	729,000	729,000
Pilot Preventive Maintenance Program	325,000	325,000	325,000
AGENCY TOTAL	189,283,000	179,035,000	178,285,000
TOTAL HUMAN RESOURCES	**418,905,663**	**412,995,788**	**304,467,000**
STATE BOARD OF EDUCATION			
Public School Building Construction		135,000,000	156,500,000
Public School Construction/Modernization	*	90,000,000	120,000,000
AGENCY TOTAL	225,000,000	276,500,000	0
SUPERINTENDENT OF PUBLIC INSTRUCTION			
Clover Park Business Complex Renovation	2,500,000	2,500,000	2,500,000
Lake Washington Admin & Aerospace Lab	0	5,800,000	5,800,000
Renton Business Tech Building	0	3,985,000	3,985,000
Bellingham VTI Preplanning	1,612,000	1,612,000	1,612,000
AGENCY TOTAL	4,112,000	13,897,000	13,897,000
STATE SCHOOL FOR THE BLIND			
Demolish Richardson Hall	255,149	255,149	255,149
Demolish Museum Building	255,149	255,149	255,149
Elevator in Administration Building	384,461	384,461	384,461
Automatic Door - Kennedy Building	36,020	36,020	36,020
Reroof Ahlsten Cottage	209,488	209,488	209,488
Irwin School Electrical/Communications Upgrade	92,141	92,141	92,141
Swimming Pool Renovation	162,990	162,990	162,990
Reroof Kennedy Building	369,791	369,791	369,791
AGENCY TOTAL	1,765,189	1,765,189	1,765,189
STATE SCHOOL FOR THE DEAF			
Building Reroof - Devine High School	581,119	581,119	581,119
Building Reroof - Northrup Elementary School	218,182	218,182	218,182

Capital Budget (ESHB 1427) - 1991-93

New projects	Governor's Budget	Legislative Budget	State GO Bonds
Building Reroof - Clark Hall	448,842	448,842	448,842
Building Reroof - McDonald Hall	135,737	135,737	135,737
Building Reroof - Deer Hall	98,298	98,298	98,298
Replacement of Outside Doors	71,624	71,624	71,624
Divine High School Air Conditioner	26,834	26,834	26,834
Heating System Repairs	32,345	32,345	32,345
AGENCY TOTAL	1,612,981	1,612,981	1,612,981
WASHINGTON STATE HISTORICAL SOCIETY			
Design and Construct New Exhibit Center at Union Station	525,261	610,000	610,000
Correction of Code Violations	250,849	250,849	250,849
Minor Works - Protect Investment	222,424	472,424	472,424
AGENCY TOTAL	998,534	1,333,273	1,333,273
EASTERN WASHINGTON STATE HISTORICAL SOCIETY			
Campbell House Restoration	746,211	746,211	746,211
Cheney Cowles Museum - Environmental System	424,279	424,279	424,279
Cheney Cowles Museum - Exhibit Lighting	56,727	56,727	56,727
AGENCY TOTAL	1,227,217	1,227,217	1,227,217
STATE CAPITOL HISTORICAL ASSOC			
Minor Works Projects	99,510	99,510	99,510
AGENCY TOTAL	99,510	99,510	99,510
TOTAL EDUCATION	**234,815,431**	**296,435,170**	**19,935,170**
HIGHER EDUCATION COORDINATING BOARD			
Higher Education Facilities Inventory	0	120,000	120,000
AGENCY TOTAL	0	120,000	120,000
UNIVERSITY OF WASHINGTON			
Physics - Design & Construction	64,786,000	64,786,000	
Electrical Engineering Building	0	1,147,000	1,147,000
Power Plant Boiler	19,872,000	19,872,000	19,872,000
Denny Hall Exterior Repair	1,670,000	1,670,000	0
Safety-Fire Code, PCB & Life Safety	10,640,000	10,640,000	10,640,000
Minor Works - Building Renewal	8,525,000	8,525,000	3,525,000
Nuclear Reactor Decommission	235,000	235,000	235,000
Kincaid Basement	3,314,000	3,314,000	3,314,000
Physics Hall Renovation - Program	2,543,000	2,543,000	2,543,000
Chiller Addition	2,459,000	2,459,000	2,459,000
Data Communications	2,700,000	2,700,000	2,700,000
Electrical Distribution	1,300,000	1,300,000	1,300,000
Other Utility Projects	1,150,000	460,000	460,000
Comparative Medicine Facility	700,000	700,000	700,000
Fisheries II/Utilities	1,850,000	1,850,000	1,850,000

Capital Budget (ESHB 1427) - 1991-93

New projects	Governor's Budget	Legislative Budget	State GO Bonds
Minor Works, Program Renewal	11,850,000	10,703,000	5,703,000
Parrington Hall Exterior	1,759,000	1,759,000	0
Meany Hall Exterior Renovation - Systems	7,238,000	7,238,000	0
UW Day Care Center	0	150,000	150,000
Olympic Natural Resources Center	5,675,000	5,675,000	5,675,000
AGENCY TOTAL	148,266,000	147,726,000	62,273,000
WASHINGTON STATE UNIVERSITY			
Smith Gym Electrical System Replacement	542,000	542,000	0
Expansion of East Campus Substation	670,000	670,000	0
Carpenter Hall Completion (Renewal)	810,000	810,000	0
Todd Hall Renewal	1,143,000	1,143,000	1,143,000
Hazardous, Pathological, Radioactive Waste Handling Facilities	1,343,000	1,343,000	1,343,000
Holland Library Addition	2,580,000	2,580,000	2,580,000
Veterinary Teaching Hospital	26,835,000	26,835,000	
Preplanning	869,000	869,000	0
Fulmer Hall/Annex Renewal	957,000	957,000	957,000
Asbestos Removal-Coliseum	1,513,000	1,513,000	0
Records, Maintenance Materials Storage and Recycling, Phase I	1,761,000	1,761,000	0
WHETS Expansion	2,000,000	2,321,000	0
Child Care Facility	2,171,000	2,171,000	2,171,000
Dairy-Forage Facility	2,714,000	2,714,000	0
Chilled Water Storage Facility	2,850,000	2,850,000	2,850,000
Minor Capital Renewal	5,500,000	5,500,000	5,500,000
Communication Infrastructure Renewal	10,000,000	10,000,000	10,000,000
Minor Capital Improvements	6,500,000	6,500,000	0
Student Services Addition	15,967,000	15,967,000	15,000,000
AGENCY TOTAL	86,725,000	87,046,000	41,544,000
EASTERN WASHINGTON UNIVERSITY			
Math Science and Technology: Sutton Hall	150,000	150,000	150,000
Fire Suppression	850,000	850,000	0
Life/Safety Code Compliance - Asbestos	850,000	850,000	0
Roof Replacement	1,000,000	1,000,000	0
Telecommunications: Cable Replacement	2,000,000	2,000,000	2,000,000
Science Bldg Addition/HVAC	7,780,000	7,780,000	7,780,000
Underground Storage Tanks: Code Compliance	250,000	250,000	0
Small Repair Projects	1,000,000	1,000,000	0
EWU Spokane Center	1,200,000	1,200,000	0
Minor Works: Facilities Renewal	2,000,000	2,000,000	2,000,000
Minor Work Projects	2,200,000	2,200,000	0
AGENCY TOTAL	19,280,000	19,280,000	11,930,000
CENTRAL WASHINGTON UNIVERSITY			
Shaw/Smyser Hall Remodel	0	7,027,000	
Life/Safety	500,000	500,000	0

Capital Budget (ESHB 1427) - 1991-93

New projects	Governor's Budget	Legislative Budget	State GO Bonds
Asbestos/PCB Abatement	750,000	750,000	0
Barge Hall Renovation	10,465,200	10,465,200	10,465,200
Minor Capital Projects	4,961,000	3,791,000	0
Dean Science Remodel/Annex Constr.	193,500	193,500	193,500
Chilled Water Expansion	800,000	800,000	800,000
Nicholson Pavillion & Athletic Facilities	0	1,170,000	0
Electrical Cable Replacement	800,000	800,000	0
AGENCY TOTAL	18,469,700	25,496,700	11,458,700
THE EVERGREEN STATE COLLEGE			
Lab Annex Remodel - Metal and Wood Support Shops	972,100	972,100	972,100
Life/Safety and Code Compliance	1,766,500	1,766,500	1,766,500
Underground Storage Tank Replacement Phase I	410,000	120,000	120,000
Minor Works - Failed Systems	967,000	967,000	967,000
Minor Works - Academics and Program Support	384,400	956,000	956,000
Small Repairs and Improvements	185,000	185,000	0
Heating/Air conditioning Repairs	0	430,000	430,000
Emergency Repairs	162,000	162,000	0
AGENCY TOTAL	4,847,000	5,558,600	5,211,600
WESTERN WASHINGTON UNIVERSITY			
Minor Works/Small Repairs and Improvements	7,500,000	7,500,000	0
Construct/Equip Science Facility Phase II	21,374,300	21,374,300	21,374,300
Science Facility Phase III	707,500	707,500	707,500
Land Acquisition	1,700,000	1,450,000	1,450,000
AGENCY TOTAL	31,281,800	31,031,800	23,531,800
COMMUNITY COLLEGE SYSTEM			
Construct - Whidbey Learning Resource Center (Skagit Valley)	2,123,000	2,123,000	2,123,000
Construct - Science/PE/Instr. (South Puget Sound)	5,998,000	5,998,000	5,998,000
Construct - Early Childhood Education (Shoreline)	1,307,000	1,307,000	1,307,000
Construct - Library Addition/Remodel (Columbia Basin)	1,972,000	1,972,000	1,972,000
Construct - Vocational Shops (Centralia)	2,025,000	2,025,000	2,025,000
Construct - Learning Research Center Addition/Remodel (Tacoma)	1,746,000	1,746,000	1,746,000
Construct - Vocational Food Addition (Lower Columbia)	2,902,000	2,902,000	2,902,000
Construct - Business Education Building (Spokane)	6,311,000	6,311,000	6,311,000
Construct - Student Activity/PE (Seattle Central)	11,080,000	11,080,000	11,080,000
Design - Technology Center (Whatcom)	249,000	249,000	249,000
Design - PE Facility (North Seattle)	202,000	202,000	202,000
Design - Applied Arts Building (Spokane Falls)	280,000	280,000	280,000
Design - Industrial Tech Building (Spokane)	298,000	298,000	298,000
Design - Vocational Art Facility (Shoreline)	157,000	157,000	157,000
Design - Business Education Building (Clark)	305,000	305,000	305,000
Design - Student Center (South Seattle)	258,000	258,000	258,000
Design - Library Addition (Skagit Valley)	116,000	116,000	116,000
Acquisition (Olympic: Purchase Land)	105,000	105,000	105,000

Capital Budget (ESHB 1427) - 1991-93

New projects	Governor's Budget	Legislative Budget	State GO Bonds
Acquisition (Centralia: Purchase Child Care Facility)	78,000	78,000	78,000
Acquisition (Spokane: Purchase Facility)	498,000	498,000	498,000
Acquisition (Olympic: Purchase Auto Shop)	700,000	700,000	700,000
Acquisition (Skagit Valley: Whidbey Graphic Arts Facility)	280,000	280,000	280,000
Acquisition (Whatcom: Purchase Vocational Facility)	1,893,000	1,893,000	1,893,000
Asbestos Repairs (9)	4,444,000	0	0
Underground Tank Repairs (15)	2,291,000	650,000	650,000
Legal and Code Repairs (4)	1,172,000	1,172,000	1,172,000
Roof Repairs (17)	7,457,001	7,457,001	7,457,001
Exterior/Structure Repairs (7)	816,999	817,000	817,000
HVAC Repairs (10)	3,074,000	3,074,000	3,074,000
Electrical Repairs (12)	2,307,001	2,307,000	2,307,000
Mechanical Repairs (11)	2,508,000	2,508,000	2,508,000
Fire/Security Repairs (4)	692,000	692,000	692,000
Interior Repairs (12)	1,440,000	1,440,000	1,440,000
Site Repairs (11)	1,328,999	1,328,999	1,328,999
Small Repairs and Improvements	6,211,000	6,256,000	6,256,000
Minor Improvements (57)	16,790,000	16,930,000	16,930,000
Preplan - Puyallup Phase II (Pierce)	57,000	57,000	57,000
Preplan - Vocational Building (Skagit Valley)	25,000	25,000	25,000
Preplan - LRC/Arts/Student Center (Whatcom)	45,000	45,000	45,000
Preplan - Office/Instructional Bldg. (Edmonds)	58,000	58,000	58,000
Preplan - Tech Skills Facility (South Puget Sound)	42,000	42,000	42,000
Preplan - LRC/Tech Facility (Green River)	58,000	58,000	58,000
Pierce College Pool	0	600,000	600,000
Preplan - New Campus One	300,000	300,000	300,000
AGENCY TOTAL	92,000,000	86,700,000	86,700,000
TOTAL HIGHER EDUCATION	**400,869,500**	**402,959,100**	**242,769,100**
WASHINGTON STATE PATROL			
Design & Construct New Agency Headquarters - Olympia	48,723,338	3,400,000	0
Crime Laboratory Renovation (Phase III) - Spokane	192,000	192,000	192,000
Design & Construct Crime Laboratory - Tacoma	2,016,827	2,017,000	2,017,000
AGENCY TOTAL	50,932,165	5,609,000	2,209,000
DEPARTMENT OF TRANSPORTATION			
Toutle River Retention Dam	1,542,838	0	0
Essential Rail Assistance	200,000	0	0
Stampede Pass Railroad	0	2,100,000	2,100,000
AGENCY TOTAL	1,742,838	2,100,000	2,100,000
TOTAL TRANSPORTATION	**52,675,003**	**7,709,000**	**4,309,000**

Capital Budget (ESHB 1427) - 1991-93

New projects	Governor's Budget	Legislative Budget	State GO Bonds
WASHINGTON STATE ENERGY OFFICE			
Energy Partnership 1 - Capital Projects for Schools & Governments	189,929,000	15,000,000	0
Energy Partnership 2	455,889	3,050,000	0
AGENCY TOTAL	190,384,889	18,050,000	0
DEPARTMENT OF ECOLOGY			
Nisqually Interpretive Center	0	150,000	150,000
Methow Basin Water Conservation	0	1,200,000	400,000
Ref 39 Waste Disposal Facilities	0	0	0
State Emergency Water Project Revolving Account	1,343,929	1,343,929	0
Water Quality Account	85,607,310	85,607,310	0
Local Toxics Control Account	59,183,607	59,183,607	0
AGENCY TOTAL	146,134,846	147,484,846	550,000
STATE PARKS AND RECREATION COMMISSION			
Statewide - Omnibus Facility Contingency	239,400	239,400	239,400
Statewide - Underground Storage Tank, Environmental Compl., Ph. 1	5,525,000	1,900,000	1,900,000
Statewide - Emergency and Unforeseen Needs	350,000	350,000	350,000
Statewide - Omnibus Minor Projects - Utilities	1,818,300	1,818,300	1,818,300
Statewide - Omnibus Minor Projects - General Construction	1,918,000	1,918,000	1,918,000
Deception Pass - Renovate Park Sewer System, Phase 1 Construction	968,500	968,500	968,500
Triton Cove - Boat Ramp Construction	582,000	582,000	0
Statewide - Omnibus Minor Works - Boating/Marine Construction	379,000	379,000	0
Yakima - Acquisition, Phased Project	152,000	152,000	0
Haley Property - Initial Development	500,000	500,000	0
Rasar - Initial Development	500,000	500,000	0
Colbert House - Aquisition of Two Lots, Renovation/Preservation	57,000	57,000	0
Lake Isabella - Acquisition, Phase 2	335,000	335,000	0
Ocean Beaches - Ocean Beach Access Development	100,000	100,000	0
Ocean Beaches - Ocean Beach Access Development	281,000	281,000	0
Saltwater- Flood Control	0	497,700	497,700
Storm Damage	0	360,000	360,000
School Trust Land Purchase	0	50,000,000	50,000,000
Lewis & Clark Equestrian Center	0	200,000	200,000
St. Edwards Gym Renovation & Parking	0	691,000	691,000
Iron Goat Trail	0	30,000	30,000
AGENCY TOTAL	13,705,200	61,858,900	58,972,900
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION			
ORV Guide	0	0	0
Clear Creek Dam	0	1,750,000	1,750,000
WWRC Staff	0	138,000	0
Grants to Public Agencies	9,822,000	20,222,000	10,400,000
Wa. Wildlife Recreation Program - Grants to State Agencies	61,220,000	31,800,000	31,800,000
Wa. Wildlife Recreation Program - Grants to Local Governments	33,780,000	18,200,000	18,200,000
AGENCY TOTAL	104,822,000	72,110,000	62,150,000

Capital Budget (ESHB 1427) - 1991-93

New projects	Governor's Budget	Legislative Budget	State GO Bonds
DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT			
Yakima Industrial Development Project	0	0	0
Economic Assessment of Timber-dependent Ports	0	150,000	
Port of Grays Harbor Infrastructure	0	4,600,000	4,600,000
Community Economic Revitalization Board	6,000,000	10,972,000	6,000,000
AGENCY TOTAL	6,000,000	15,722,000	10,600,000
STATE CONSERVATION COMMISSION			
Water Quality Account	2,140,000	2,140,000	0
AGENCY TOTAL	2,140,000	2,140,000	0
DEPARTMENT OF FISHERIES			
Minor Works - Field Services	200,000	200,000	200,000
Fish Protection Facilities	445,000	445,000	445,000
Minor Works - Salmon Culture	500,000	500,000	500,000
Minor Capital Projects - Salmon Culture	767,300	767,300	767,300
Habitat - Salmon Enhancement Program	1,235,000	1,235,000	1,235,000
Safety, Health, and Code Compliance	1,589,000	1,589,000	1,589,000
Repair and Replace Fishing Reef Buoys	75,000	75,000	75,000
Shellfish Surveys and Point Whitney Repairs	100,000	100,000	100,000
Willapa Interpretive Center	300,000	300,000	300,000
Fuel Tanks - Code Compliance Program	400,000	225,000	225,000
Puget Sound Shellfish - Property Acquisition	400,000	0	0
Develop Pathogen Free Water and Isolation Incubation Systems	500,000	500,000	500,000
Construct/Remodel Coastal Field Station	750,000	750,000	750,000
Water Access and Development (IAC 215)	1,250,000	1,250,000	0
Toutle River Hatchery Reconstruction	0	75,000	75,000
Minter Creek Hatchery - Reconstruction - Phase 1	3,300,000	3,300,000	3,300,000
AGENCY TOTAL	11,811,300	11,311,300	10,061,300
DEPARTMENT OF WILDLIFE			
Health, Safety and Code Compliance	500,000	500,000	500,000
Public Fishing Access Minor Works Repair	300,000	300,000	0
Public Access Toilet Replacement	200,000	200,000	0
Emergency Repair and Replacement	345,000	345,000	45,000
Facility Small Repair and Improvement	499,500	499,500	38,000
Wildlife Area Repair and Development	250,000	250,000	30,000
Hatchery Renovation and Improvement	3,000,000	3,000,000	1,000,000
Mitigation/Dedicated Funding Projects	8,000,000	8,000,000	0
Acquisition, Development and Redevelopment (IAC 215)	694,000	694,000	0
Wildlife Area Repair and Development	107,500	107,500	38,000
Hatchery Renovation and Improvement	304,000	304,000	46,000
Statewide Fencing Repair and Replacement	500,000	500,000	75,000
Skagit Wildlife Area Dike Repair	171,250	171,250	26,000
Migratory Waterfowl Habitat Acquisition	350,000	350,000	0
Migratory Waterfowl Habitat Development	350,000	350,000	0

Capital Budget (ESHB 1427) - 1991-93

New projects	Governor's Budget	Legislative Budget	State GO Bonds
Acquisition of Wildlife Habitat Surplus Property	1,000,000	1,000,000	0
Luhrs Landing Nature Center	450,000	450,000	450,000
Habitat Enhancement Fund	500,000	500,000	0
Grandy Creek Hatchery	4,684,166	4,684,166	4,684,166
AGENCY TOTAL	22,205,416	22,205,416	6,932,166
DEPARTMENT OF NATURAL RESOURCES			
Asbestos Abatement	410,000	0	0
Northwest Region Office Expansion - Design and Construction	800,000	800,000	216,000
Underground Storage Tanks	1,000,000	800,000	181,000
Statewide Emergency Repairs	100,000	100,000	32,000
Environmental Protection	500,000	500,000	154,000
Southwest Region Office Space Expansion - Design & Construction	750,100	750,100	255,000
Minor Works - Building and Compound	485,400	485,400	158,500
Facilities - Small Repairs and Improvements	100,100	100,100	25,000
Emergency Repairs Recreation Sites	100,000	100,000	100,000
Environmental Clean-Up/Trust and Forest Board Lands	500,000	500,000	0
Right of Way Acquisitions	790,000	790,000	0
Regional Seedling Cold Storage	367,000	367,000	0
Real Estate Property, Small Repairs and Improvements	390,000	390,000	0
Communication Site Repair and Replacement	330,000	330,000	0
Irrigation Pipeline Replacement	595,000	595,000	0
Roads and Bridges	364,000	364,000	0
Natural Area Preserves Protection	119,000	119,000	119,000
Commercial Development/LID	910,000	910,000	0
Emergency Repairs - Irrigation	200,000	200,000	0
Thurston County Road Agreement	2,000,000	0	0
Aquatic Land Enhancement Grants	3,020,000	3,020,000	0
Irrigation Development	0	609,000	0
Cedar River Dredging	0	800,000	800,000
Mountains to Sound	0	1,000,000	1,000,000
Land Bank	18,000,000	18,000,000	0
Construct and Improve Recreation Sites	1,175,000	1,175,000	400,000
AGENCY TOTAL	33,005,600	32,804,600	3,440,500
TOTAL NATURAL RESOURCES	**530,209,251**	**383,687,062**	**152,706,866**
STATEWIDE TOTAL	**1,774,108,048**	**1,621,146,520**	**822,728,536**
State G.O. Bonds	1,001,909,009	822,728,536	
Other Bonds	239,108,227	239,103,000	
Cash Account	533,090,812	559,314,984	
Total	1,774,108,048	1,621,146,520	

Agency Summary (ESHB 1231)

1991-93 TRANSPORTATION BUDGET

(Dollars in Thousands)

Agency	1989-93 Estimate	1991-93 Appropriations
Department of Transportation	$1,754,254	$1,994,014
State Patrol (See Note 2)	174,380	205,931
Transportation Improvement Board	42,780	155,848
Department of Licensing	109,952	120,893
County Road Administration Board	26,619	61,030
Traffic Safety Commission	8,468	6,185
Legislative Transportation Committee	3,583	3,978
Transportation Commission	726	1,500
Energy Office	0	953
Air Transportation Commission	275	553
LEAP Committee	0	389
Marine Employees Commission	317	334
Department of Agriculture	0	209
Board of Pilotage Commissioners	178	185
Office of Financial Management	0	112
University of Washington (See Note 4)	0	800
Total Transportation	**$2,121,532**	**$2,552,114**

NOTES:

1) Total increase from 1989-91 to 1991-93: 20% or 10% per year

2) Governor vetoed $3.481 million for design of a new headquarters building from the State Patrol appropriation because $3.4 million for the same purpose was appropriated in the capital budget bill (ESHB 1427)

3) Increase in 1991-93 appropriation level for TIB and CRAB due to implementation of transportation funding package

4) $0.8 M for U.W. universal bus pass program was transferred from U.W. to DOT budget (one-time only appropriation restricted to capital expenditures)

Budget Highlights (ESHB 1231)

1991-93 TRANSPORTATION BUDGET

(Dollars in Millions)

1. DEPARTMENT OF TRANSPORTATION

Construction and Preservation	
Category C highway construction-basic program	$ 220.8
I-90 bridge replacement (95% federal funding)	60.0
Special Category C projects	27.0
Start reconstruction of Ebey Slough Bridge	8.1
Additional highway preservation	13.6
Seismic retrofit of bridges	6.5
Design for bridge projects	3.0
DOT recommended bridge rehab/replacement	7.5
Congestion Management	
Expedite HOV lane construction	$ 15.0
(Total HOV program: $217 million)	
Seattle HOV database development	0.2
U.W. universal bus pass program	0.8
High Capacity/Rail Programs	
Evaluating and improving Amtrak service	$ 1.9
High capacity planning assistance grants	12.9
Rail corridor preservation--Stampede Pass	2.0
Rail corridor preservation--Tekoa line	1.6
Spokane intermodal transportation facility	0.8
Ferry Programs	
Marine construction program	$125.0
Start implementation of consultant study on marine construction	0.3
Restore Bremerton auto ferry service (when passenger only service is eliminated)	1.9
Enhance service on four ferry runs	1.6
Environmental Projects	
Evaluation of statewide costs and funding mechanisms for comprehensive stormwater runoff program	$ 0.3
Fish barrier removal programs	0.6*
Planning and Support for Locals	
Regional transportation planning organization grants	$ 3.4
District planning units	2.0
Increased technical support to locals	0.4

Employee Support	
Safety measures at highway worksites	$ 0.7
Establish equal opportunity office	0.2

** No new funding is provided. Proviso directs DOT to use $0.6 million from general program funds to carry out fish barrier removal programs.*

2. DEPARTMENT OF LICENSING

Replace driver exam testing machines	$ 3.0
Increased staffing at driver exam offices	1.2
6-day driver exam operations	0.6
Capital program development	0.1

3. WASHINGTON STATE PATROL

New agency headquarters building (design only)	$ 3.5+
Tacoma WSP/DOL facility	7.3
60 new troopers	5.4
Vehicle/officer equipment	1.8
Enhanced commercial vehicle enforcement (1 year funding)	1.0
Safety education officer program (1 year funding)	1.4

+ Governor vetoed $3.5 million appropriation for headquarters building because $3.4 million for the same purpose was appropriated in capital budget bill (ESHB 1427).

4. OTHER AGENCIES

DWI community task forces (Traffic Safety Commission)	$ 0.9
Innovations Unit (Transportation Commission)	0.9
Pro rata share of budgeting system costs (LEAP)	0.4
Grants to agencies/jurisdictions to develop compressed natural gas refueling stations (Energy Office)	0.8
Performance analysis of transportation agencies and Stage 2 of public transportation study (L.T.C.)	0.8

Sunset Legislation

Background: The Washington State Sunset Act (Chapter 43.131 RCW) was adopted in 1977 as a means to improve legislative oversight of state agencies and programs. The sunset process provides an automatic termination of selected state agencies, programs and statutes. One year prior to termination, program and fiscal reviews are conducted by the Legislative Budget Committee and the Office of Financial Management. The program reviews are intended to assist the Legislature in determining whether agencies and programs should be allowed to terminate automatically or be reauthorized by legislative action in either their current or modified form prior to the termination date.

Session Summary: Legislation was enacted which added two programs to the sunset process. In addition, two programs were extended and removed from the sunset process.

New Programs Placed on Sunset Schedule	
Pacific Northwest Export Assistance Project	ESHB 1341 (C 314 L 91)
Game Fish Mitigation Program	SHB 1416 (C 253 L 91)

Programs Extended without Sunset Provisions	
Small Business Export Finance Assistance Center	HB 1748 (C 177 L 91)
Regulation of X-Ray Technicians	HB 2037 (C 222 L 91)

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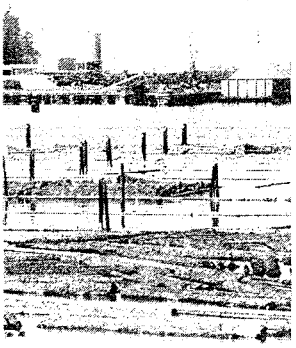

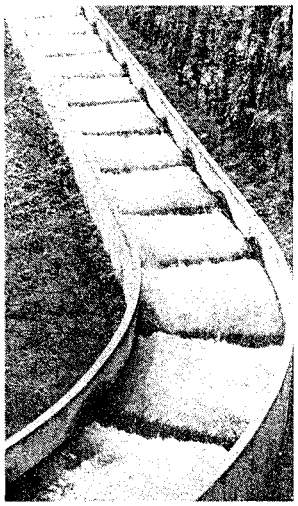

Section II - Veto Messages

House Bills

Senate Bills

Photos: Top, shipping in Puget Sound; middle, left, logging operation near Port Angeles; middle, right, Camas waterfront industry; bottom, right, fish ladder at Rocky Reach Dam.

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STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, House Bill No. 1013 entitled:

"AN ACT Relating to cities and towns."

Current law states that where a vote on incorporation is held, if the vote in favor of incorporation is forty percent or less of the total vote, another election on the same issue cannot be held for three years. Section 1 of this bill seeks to change the forty percent requirement to thirty percent and to make this change applicable to elections held before the effective date of this Act.

Making the change retroactive shifts the rules on the electorate after the game. Voters have a right to vote for a governing structure according to laws existing at the time of the election. Retroactively redefining the rules in this manner will only serve to frustrate the electorate and undermine our democratic process. For this reason, I have vetoed section 1.

With the exception of section 1, House Bill No. 1013 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

July 16, 1991

To the Honorable, the House
of Representatives of
the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 19, ReEngrossed Substitute House Bill No. 1025 entitled:

"AN ACT Relating to growth strategies."

I welcome this measure, and am pleased to sign it into law.

Passage of this legislation fulfills an important promise made to the state's citizens. It is a success story that should strengthen the public's faith in the democratic political process.

I commend the Legislature - and particularly the legislative leadership - for keeping its commitment to Washington citizens, and for working hard to ensure that this bill will effectively protect our quality of life.

ReEngrossed Substitute House Bill No. 1025 builds on the landmark growth management legislation passed last year, and on the recommendations of the Growth Strategies Commission. Even more important, it builds trust: trust between citizens and their elected representatives, trust between businesses and local governments, and trust among the bipartisan group of legislators who crafted it. That trust is, in the end, the key element necessary for effective and sustained growth management.

While I welcome this legislation, I have determined that section 19 of this bill is so ambiguous that it gives rise to numerous legal interpretations of its meaning and invites litigation.

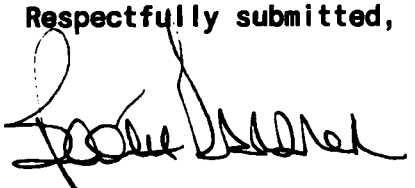
I am not alone in this belief. Among the many letters my office has received on this bill, the overwhelming opinion is that because key terms are left undefined, and because the language is vague, this section is likely to result in significant court action. Such litigation could result in a reduction of existing local authority to protect open space -- thus producing a consequence that is the direct opposite of the section's intent. I intend to insist that we take actions that ensure that the existing authority of local governments to protect open space are not compromised in any way.

I support the intent of the negotiators to address the relationship between open space designation and protection of private property rights, and I believe that we can come to consensus on how to clarify this issue.

Clearly, it is better to negotiate than to litigate. And this issue is far too important to leave to the uncertainties of the judicial system. If we want clear and effective protection for open space, we have more work to do, and I am committed to working with legislators to make sure it gets done in the next legislative session.

With the exception of section 19, I am approving ReEngrossed Substitute House Bill No. 1025.

Respectfully submitted,



Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 15, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 306, 1005, and 1117, Engrossed Substitute House Bill No. 1027 entitled:

"AN ACT Relating to oil and hazardous substances."

Existing state law establishes penalties for any person who negligently discharges oil into Washington's waters. Section 306 of this bill qualifies this standard by stating that an employee shall be indemnified by the owner or operator of a facility or covered vessel for any penalty resulting from a negligent discharge of oil by the employee. I am vetoing this section for three reasons. First, this penalty provision has been state law for over 20 years. Current law should not be relaxed if no problems have been identified. Second, there is no valid policy reason to exempt from penalty an employee, including a pilot or ship captain, who negligently discharges oil. Third, this section creates a special class of individuals who get special protection under the law. Others who are not employees of facilities or vessels do not get the same special treatment and are liable for penalties for the negligent discharge of oil. The veto of section 306 restores current law.

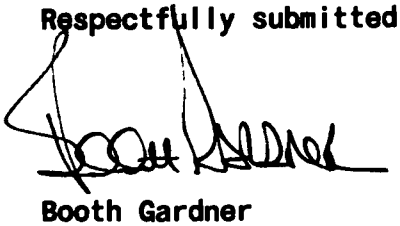
Under existing state law, the master of a vessel certifies in writing that the vessel meets certain safety requirements. If the certification is made, the pilot countersigns the certificate. If the certification is not made, the pilot must refuse to take the ship in. Section 1005 changes this requirement. There appears to be no justification for this change. Without sufficient justification, current responsibilities of masters and pilots to ensure vessel safety should be maintained.

To the Honorable, the House
of Representatives of the
State of Washington
May 15, 1991
Page 2

Section 1117 states that this bill is null and void unless specific funding is provided in the omnibus appropriations act. This section conflicts with Section 1119 which declares an emergency. There is much work to do to implement this important bill and to protect Washington's marine waters from the threat of oil spills. Agencies need to begin that work now.

With the exception of sections 306, 1005, and 1117, Engrossed Substitute House Bill No. 1027 is approved.

Respectfully submitted,



Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

May 15, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 204 and 507, Engrossed Substitute House Bill No. 1028 entitled:

"AN ACT Relating to reducing air contaminant emissions and improving air quality."

Section 204 of this bill establishes a task force to recommend a program to assist persons with vehicles failing to comply with emission standards. The task force will be appointed by the Speaker of the House and the President of the Senate; it will consist of members from each House and will report to the appropriate standing committees of the Legislature.

Section 507 establishes a task force to encourage the removal of wood stoves which do not meet current emission standards and replace such stoves with a less polluting, certified wood stove or other source of heat. This task force will also consist of members from each House and report back to the appropriate committees of the Legislature.

While these studies may provide useful information, the Legislature does not need statutory authorization to study these issues or authorization to report back to itself. For this reason I am vetoing sections 204 and 507 of the bill.

With the exception of sections 204 and 507, Engrossed Substitute House Bill No. 1028 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 10, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 12, Substitute House Bill No. 1051 entitled:

"AN ACT Relating to international student exchange programs."

This bill takes a first step toward regulating organizations involved in international student exchange activities in Washington by requiring that these organizations register with the Office of the Secretary of State. In addition, the Superintendent of Public Instruction is required to notify school districts of the names of international student exchange organizations that have registered with the state. I concur with the need to provide greater accountability by establishing standards and providing public access to certain basic information regarding such organizations.

Section 12 of the bill requires the Secretary of State to establish a task force on international student exchange and requires the task force to examine a list of specific issues related to international student exchange programs. No funding was provided for the task force in either the House or Senate proposed budgets. Both the Secretary of State and the Superintendent of Public Instruction have authority to establish ad-hoc committees to study issues under their respective jurisdictions. Should the task force actually receive funding in the coming biennium, either official has the capacity to respond by convening a group with the broad membership outlined in this section.

For the reasons stated above, I have vetoed section 12 of Substitute House Bill No. 1051.

With the exception of section 12, Substitute House Bill No. 1051 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 10, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 12, Substitute House Bill No. 1052 entitled:

"AN ACT Relating to clarification of existing public assistance statutes."

This bill contains important state policy regarding implementation of new federal laws. It was amended by legislative committees after thoughtful review and receipt of public testimony.

The programs referenced are contained in the Essential Requirements Level of my proposed budget, as well as in the proposed budgets of the House and Senate.

I am vetoing section 12, the null and void clause, which would negate this bill if specific funding, referencing this bill by number, is not provided in the final budget. There is no need for a specific reference to this bill by number in the budget.

For this reason, I have vetoed section 12 of Substitute House Bill No. 1052.

With the exception of section 12, Substitute House Bill No. 1052 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

June 30, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 123 through 139, ReEngrossed Substitute House Bill No. 1058, entitled:

"AN ACT relating to treasurer-managed funds and accounts."

Sections 123-139 effectively negate the deposit interest changes contained in the rest of the bill by restoring existing RCW language at the end of the 1991-93 Biennium. ReEngrossed Substitute House Bill No. 1058 was designed to improve consistency in the disposition of interest earnings for Treasury accounts and it makes little sense to abandon this more uniform approach after just two years.

ReEngrossed Substitute House Bill No. 1058 also has budget implications by providing additional state General Fund revenue in support of the 1991-93 Omnibus Appropriations Act. These revenues are integral to the statewide balance of revenues and expenditures, and their elimination would unquestionably pose a significant problem to the 1993-95 budget.

The Legislature has the opportunity to reconsider enacted legislation at any time. I can't condone the administrative and budget upheaval that would be created by an automatic reversal of the deposit interest changes that were the original intention of ReEngrossed Substitute House Bill No. 1058.

With the exception of sections 123 through 139, ReEngrossed Substitute House Bill No. 1058 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 23, Engrossed Substitute House Bill No. 1136 entitled:

"AN ACT Relating to cosmetology"

Engrossed Substitute House Bill No. 1136 seeks to address certain inadequacies in current law and thereby protect consumers. Section 23 creates a July 1, 1991 effective date. The concerns addressed by this bill, however, are not so urgent as to warrant this provision. Further, the Department of Licensing has stated it will take between six months and one year to fully implement the bill. For this reason, I have vetoed this section.

With the exception of section 23, Engrossed Substitute House Bill No. 1136 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 20, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Substitute House Bill No. 1137 entitled:

"AN ACT Relating to local government."

Substitute House Bill No. 1137 is intended to clarify the definition of "criminal justice purposes" and to establish a base year against which to judge supplanting prohibitions of Chapter 1, laws of 1990, 2nd Extraordinary Session. That measure provided financial assistance to local governments to address the critical needs of their criminal justice programs.

Apart from the direction that the financial assistance provided be used for criminal justice purposes and that it not replace existing funds, local governments were left with the discretion to use these funds where most needed in their communities. This principle of local determination is an important element in the effective use of these resources.

Section 3 of Substitute House Bill No. 1137 violates this principle by requiring the city of Seattle to enter into an agreement with the office of the administrator for the courts to link to the district and municipal court information system in order to receive funds from the municipal criminal justice assistance account. Although the efficient use of criminal justice information is a laudable goal, I cannot support withholding critically needed funds to effect an administrative agreement between a state agency and local government.

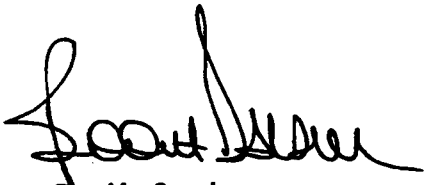
In addition, the Task Force on City and County Finances was given the mandate to examine "statutory or administrative changes that will promote efficiencies in local government, including multijurisdictional coordination of services". The extent to which criminal justice assistance funds should be used to promote specific activities at the local level is appropriately left to the task force to recommend.

To the Honorable, the House
of Representatives of the
State of Washington
May 20, 1991
Page 2

By my veto of section 3, I do not intend to nullify the definitions provided for the appropriate uses of local government assistance authorized last year. However, the limitations of gubernatorial veto power to entire sections of legislation require that the whole of section 3 be vetoed. I urge the State Auditor to recognize the Legislature's intentions with respect to these definitions in reviewing the appropriate use of criminal justice funds by local governments.

With the exception of section 3, Substitute House Bill No. 1137 is approved.

Respectfully submitted,



Booth Gardner
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98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 42, 60, and 156, Substitute House Bill No. 1201 entitled:

"AN ACT Relating to local government."

Section 60 of Substitute House Bill No. 1201 requires all counties that plan and zone to authorize the siting of schools in all areas within their planning jurisdictions by either outright permitted uses or conditional use permits.

The inclusion of this section in the bill is motivated by good intentions -- to remove what some school districts consider as unreasonable county zoning restrictions that apply to school location decisions. School districts are legally obligated to meet the education needs of a growing student population. To meet those needs requires districts to make every effort to acquire land and locate new schools as economically as possible. That is becoming increasingly difficult. Districts are faced with zoning restrictions that are designed to prevent urban sprawl and preserve land for other critical uses. Often these restrictions conflict with the public facility and financial needs and constraints of school districts with growing student populations.

While I agree with and recognize these very legitimate needs and concerns, I am not convinced that the best solution is to exempt the siting of schools from county planning and zoning ordinances within a county's planning jurisdiction, as proposed in section 60.

First, section 60 conflicts with the spirit and intent of the 1990 Growth Management Act. That law gives certain urban counties the primary responsibility of establishing comprehensive plans, which must include regulation of land uses, the siting of public facilities, the location of public utilities, and the designation of rural areas where urban growth should not occur.

To the Honorable, the House
of Representatives of the
State of Washington
May 21, 1991
Page 2

Under the Act, counties must also establish urban growth areas within which urban growth will occur and outside of which growth can occur only if it is not urban in nature. Such decisions and plans are to be made with the participation of other affected jurisdictions, including school districts.

To exempt decisions relating to the location of schools, particularly high schools, from such considerations would be to ignore the very real impacts that these large scale public facilities have on overall growth patterns. It would also create a precedent for future exemptions that could further undermine the primary purpose of the Growth Management Act, which I not only strongly support but believe should be strengthened.

Second, section 60 contains ambiguities that could arguably expand its impact beyond what the Legislature may have intended. By simply requiring that "schools" would be a permitted use, the language leaves open the possibility that educational facilities, other than public schools, could also be afforded the same status. I do not think section 60 was designed to apply to proprietary schools, although that is a possible interpretation of the language.

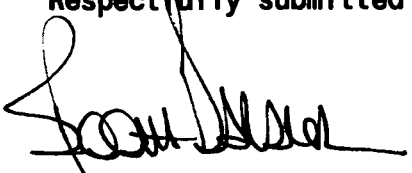
Section 42 amends RCW 35.82.285 by making technical changes relating to county classes. That amendment would conflict with a substantive amendment to the same RCW section contained in section 3 of Engrossed House Bill No. 1740. It is therefore advisable to veto section 42 so that the substantive amendment can take effect without confusion.

Section 156 amends RCW 81.104.040 by making technical changes relating to county classes. An amendment to the same RCW section containing identical technical changes also appears in Substitute House Bill No. 2151 (section 4). However, Substitute House Bill No. 2151 contains additional substantive amendatory language that cannot be merged with other language in section 156. It is therefore advisable to veto section 156 to avoid a double amendment and ensure that conflicting language does not appear in the code.

For these reasons, I have vetoed sections 42, 60, and 156 of Substitute House Bill No. 1201.

With the exception of sections 42, 60, and 156, Substitute House Bill No. 1201 is approved.

Respectfully submitted



Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

June 30, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 35, page 16, lines 13 through 22, 36(1), page 17, lines 12 through 15 beginning with the word "Upon" and ending with "implementation," 45, 54, 55, 56, 57(2), 58, 59, and section 67, page 44, line 28 beginning with the word "For" through page 45, line 8 ending with the word "committee" Engrossed Substitute House Bill No. 1231 entitled:

"AN ACT Relating to transportation appropriations."

My reasons for vetoing these sections are as follows:

Section 35, page 16, lines 13 through 22, Department of Personnel Study

Section 35, page 16 lines 13 through 22 directs a joint study conducted by the Office of Financial Management, the Department of Personnel, and the Department of Transportation. This study would determine if personnel training, education, recruitment, and retention services rendered to the Department of Transportation by the Department of Personnel are sufficient. A comprehensive evaluation of the Department of Personnel has already been initiated with the findings incorporated in the Work Force 2000 report. This legislation duplicates that ongoing evaluation of personnel services by the Office of Financial Management and the Department of Personnel. For several years, my executive request legislation proposing solutions to improving the personnel system has been ignored by the Legislature.

No funding for this study has been provided in either the transportation or operating budgets. I continue my commitment to an overall statewide solution and will direct the Office of Financial Management and Department of Personnel to attempt, to the extent possible within existing resources, to resolve the problems which have been identified.

Section 36(1), page 17, lines 12 through 15, the sentence beginning with the word "Upon" and ending with "implementation." Amtrak Service Improvements

When the transportation revenue bill was developed, there was an agreement that the transit residual was to be left in reserve until a review of priorities and efficiencies were completed. Specifically, the review included the following studies: (1) Programming a Prioritization Study; (2) Cost Responsibility Study; and (3) Public Transportation Study. Further, it was envisioned that the results of the Growth Strategy Commission recommendations would be integrated into a multi-modal approach to transportation. The appropriations of the Transportation Fund contained in this section violate this agreement.

Section 36(1) gives the Legislative Transportation Committee the authority to require the Department of Transportation to submit to the committee a program to improve Amtrak service in Washington and to withhold expenditure of funds for program implementation until approval by the Legislative Transportation Committee.

In addition to violating the agreement regarding use of the Transportation Fund, I am vetoing this item because it is an inappropriate application of executive power by the Legislative Transportation Committee. It is inappropriate for the Legislature to delegate to a single committee the authority to adopt or reject a new program and allow it to exercise a legislative veto of these expenditures. Further, this would occur without opportunity for executive review or veto. Clearly, the Legislature and specific committees may require consultation in which clarification of legislative intent can be achieved, but it may not provide the discretion that combines both legislative and executive powers. To do so violates the concept of separation of powers.

Section 45, page 26, Revolving Funds

Section 45 requires that the Legislative Transportation Committee give prior approval for expenditures above what is "assumed" to be included in the transportation budget for services provided through revolving funds to the Washington State Patrol and the Department of Licensing. These services include those provided by the Department of Personnel, tort claim administrative costs and other legal costs, and audit services. This provision oversteps the boundary of legislative authority and would effectively create a legislative veto.

Section 54, pages 31 through 35, Information Technology Projects

Section 54 establishes significant additional requirements for agency information technology projects and increases agency workload without reducing existing reporting and planning requirements. The requirements for planning

and reporting that would be established by the proviso overrule the existing process. These additional requirements do not improve the likelihood of project success. The proviso also has the result of establishing different standards for information projects in agencies receiving transportation funding from the standards applied to other agencies, which would increase the difficulty of establishing statewide information sharing. The proviso impinges upon the statutory responsibilities of the Office of Financial Management to conduct the budget process by interposing the Legislative Transportation Committee between an agency budget request and the Office of Financial Management. The establishment of a process by which a legislative committee encroaches upon the budgetary responsibilities of the executive branch is unacceptable.

Section 55, page 35, Growth Management Coordination

Section 55 requires the Department of Transportation to "...identify and coordinate all growth management functions." It further states that "Such functions shall cease to exist on June 30, 1995." This language is vague and the intent unclear.

Section 56, pages 35 and 36, Attorney General Tort Claims

Section 56 subsection (6) contains language that requires the Attorney General to submit in a yearly report to the Legislative Transportation Committee a summary of all settlement offers made by the parties where a verdict is rendered against the state . This provision makes the settlement offers public information. This provides a road map to the state's negotiating strategy which puts the state at a disadvantage against claimant's attorneys. While those who have legitimate tort claims against the state are entitled to reasonable compensation, the state also has an obligation to settle claims without unnecessary and unjustified costs to the taxpayers of the state.

The Attorney General's office has requested a veto of this section based on the concern noted above. The Attorney General's office has also stated its willingness to provide the Committee with a yearly report covering the elements in subsections (1) through (5) and, if additional resources are provided, cost data as specified in subsection (7).

Section 57(2), page 37, State Patrol Headquarters Design

This subsection is unnecessary because funding for this project is included in Engrossed Substitute House Bill No. 1427.

Section 58, page 39, Transportation Salary Increases

This section duplicates the language contained in Section 712(4) of Engrossed Substitute House Bill No. 1330. Unlike the provision in the operating budget, this section contains no funding.

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Section 59, page 39 and 40, State Patrol Equipment Account

Section 59 would establish a State Patrol Equipment Account to finance and acquire equipment used for State Patrol highway-related purposes. In this account, users would be charged for depreciation and use of the equipment. The bill would also require the patrol to report to the Legislative Transportation Committee and the Office of Financial Management the kinds of equipment and the replacement schedules to be included in the account and financing alternatives.

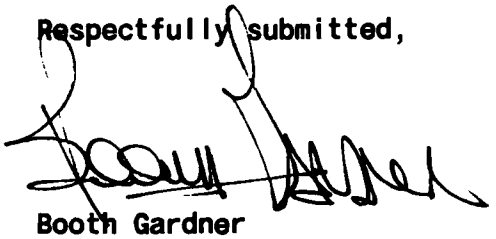
Because the critical definitions are not established, this mechanism could result in increased user-fees in advance of a full understanding of the implications to users. These issues need to be worked out before changing state statutes.

Section 67, page 44, line 28 beginning with the word "For" through page 45, line 8 ending with the word "committee." High Occupancy Vehicle Requirement

Section 67 requires two persons as the minimum number of occupants per vehicle for HOV lane use on limited access freeways unless operating conditions in the lane fall below level of service "C" during peak hours over 12 continuous months. The current definition of carpools allowed to use HOV lanes is determined by evaluation of operating conditions. The definition and evaluation are appropriately performed by the Department of Transportation. The public is better served by allowing the Department of Transportation to retain flexibility in this area.

With the exception of sections 35, page 16, lines 13 through 22, 36(1), page 17, lines 12 through 15 beginning with the word "Upon" and ending with "implementation," 45, 54, 55, 56, 57(2), 58, 59, and section 67, page 44, line 28 beginning with the word "For" through page 45, line 8 ending with the word "committee" Engrossed Substitute House Bill No. 1231 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 17, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute House Bill No. 1243 entitled:

"AN ACT Relating to teacher preparation programs."

This bill seeks to increase collaboration and interaction between teacher preparation programs in institutions of higher education and elementary and secondary schools. I heartily agree with this objective.

Section 2 of the bill, however, requires that governing boards of state universities and colleges with teacher preparation programs adopt salary policies to reward faculty that teach in elementary and secondary schools. While the provision of salary incentives is also a laudable objective, it is not appropriate for state government to dictate particular components of salary policy,nor should a particular method of ensuring increased faculty interaction with public schools be dictated.

For the reasons stated above, I have vetoed section 2 of Substitute House Bill No. 1243.

With the exception of section 2, Substitute House Bill No. 1243 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

June 30, 1991

To the Honorable, the House
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 126(1), (2), (4), 128(3), 148, lines 1 through 4, 201(3)(b), (c), (f), 202(14), 203(1)(b), 205(1)(a), (1)(b), (2)(a), (2)(c), 206, 212(2), 213(11), (12), 215(1), 216(6), (12), 219(4), 220(26), 227(3), 232(1), (4), (5), (8), (9), (10), (11), (12), 303(10), (17), 308(2), (5), (6), (10), 312(4), 313(7), 315(6), 402(1). 516(6), 517(13)(a), (20), 601(2), (5), (8), 905, 906, 907(5), and section 908 of Engrossed Substitute House Bill No. 1330, entitled::

"AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1991, and ending June 30, 1993."

My reasons for vetoing these sections are as follows:

Section 126(1), page 11, Status of MWBE's Study

Subsection 1 requires the Office of Financial Management (OFM) to conduct, within the appropriations provided, a statewide study of the status of minority- and women-owned businesses. The subsection does not describe the intended uses of the study nor does it adequately define the scope of the study. Absent clearer direction regarding the scope of such a study and appropriations to support it, OFM cannot undertake this work.

Section 126(2), page 11, Commission on Student Learning

This subsection provides funding solely for costs related to the Commission on Student Learning. The education restructuring bill failed to pass the Legislature. However, during the 1991-93 Biennium the recently formed Governor's Council on Education Reform and Funding will require financial support which was not provided in this budget. It is important that the Office of Financial Management have flexibility in determining the relative priority of this task and the other ongoing work of OFM not supported by its appropriation.

Section 126(4), page 11, and Section 128(3), page 12, Authorized FTE Positions

These subsections require the Office of Financial Management (OFM) and the Department of Personnel (DOP) to jointly reconcile the two agencies' lists of authorized FTE positions for each agency under the jurisdiction of the Department of Personnel, and report to the legislative fiscal committees by September 1, 1991. It is not clear what is meant by a "reconciliation" of lists of authorized FTE positions. OFM allocates and monitors the use of FTEs by agency, irrespective of the classes or percent of time for the positions that consume the FTEs. DOP, on the other hand, maintains the integrity of the classification system by ensuring that established positions are allocated to correct classes, that new positions are established in appropriated classes, and that classes that have become obsolete are removed from the system. There is no present expectation that DOP will have exactly one position established for each FTE consumed by an agency. I will ask that representatives from OFM and DOP meet with representatives from the fiscal committees to determine the intent of these subsections and satisfy that intent to the extent that doing so is consistent with current practice and can be accommodated within budgetary constraints.

Section 148, lines 1 through 4, page 20, Cigarette Tax Enforcement

Lines 8 through 11 proviso a portion of the Liquor Control Board appropriation for the purpose of implementing Senate Bill No. 5560 (cigarette tax enforcement). I have vetoed Senate Bill No. 5560, therefore, this language is moot. I will direct the Liquor Control Board to place $2,847,000 in reserve.

The appropriations provided for the Department of Revenue in section 135 are adjusted downward $742,000 on the assumption that Senate Bill No. 5560 would be enacted. Because the Department of Revenue must continue cigarette tax enforcement and the $742,000 is the Department's minimal fixed cost for the activity, the Department will be required to reduce expenditures in other activities. This places stress on the Department's ability to generate the revenues needed to fund this budget. The Department, OFM, the Forecast Council, and my office will monitor the effects of this reduction carefully, and request corrective action if it becomes necessary.

Section 201(3)(b), page 23, Early Childhood Education and Assistance Program

Section 201(3)(b) provides $6,200,000 from the federal child care and development block grant for the Early Childhood Education and Assistance Program (ECEAP) in the Department of Community Development. Federal statute and regulations governing these block grant funds set an amount to be spent for early childhood education services that appears to be approximately $3,800,000. The remaining $2,400,000 provided for ECEAP

would have to meet all of the requirements in federal regulations for child care services which may be overly prescriptive for ECEAP. I am determined to ensure that ECEAP will be available for all eligible children and will, therefore, allow the transfer of $3,800,000 to the Department of Community Development for ECEAP and direct the Department of Social and Health Services to allocate the $2,400,000 according to priorities established in federal statute and regulations including ECEAP, if allowed.

Section 201(3)(c) page 23, Local Child Care Block Grants

Section 201(3)(c) provides $4,901,000 from the federal child care and development block grant for block grants to communities for locally designated child care services. The Federal Block Grant Advisory Group I convened earlier this year also recommended that a portion of the federal block grant funds go towards this purpose. Since then, we have received interim federal regulations, which have set some very specific priorities for use of these block grant funds. While I continue to support the concept of local discretion, it is unclear that the federal regulations will allow this level of funding to be used for local block grants. Therefore, I am directing the Department of Social and Health Services to allocate these funds according to the priorities established in federal statute and regulations.

Section 201(3)(f) page 24, Resource and Referral Services

Section 201(3)(f) provides $850,000 from the federal child care and development block grant for 50 percent matching grants to child care resource and referral programs. The proviso is overly prescriptive concerning what the resource and referral agencies must provide with these funds. Furthermore, it is unclear whether the 50 percent match requirement applies to an individual resource and referral agency or on a statewide basis. I am concerned that some distressed communities which need resource and referral services will be unable to meet the matching requirements as specified in this proviso. Therefore, I am directing the Department of Social and Health Services to use these funds for resource and referral purposes in a more flexible manner.

Section 202(14) page 28, Adoption Support Payment Prohibition

Section 202(14) prohibits the Department of Social and Health Services from continuing adoption support payments for children beyond the age of 18 years. I am vetoing this subsection for two reasons: it is not possible to discontinue existing agreements with adoptive parents and under some circumstances, it may be appropriate for the Department to continue adoption support payments.

Section 203(1)(b), page 29, Expand Option B Community Service

This subsection mandates $1,501,000 for the Division of Juvenile Rehabilitation be expended solely for option B community services diversion. The expansion of community capacity is the backbone of the Division's ten-year plan and I fully support the concept and the funding incentives which drive its implementation. Even though the Department has been directed to aggressively pursue this option, the Division must retain flexibility in managing the offender population across a continuum of custody and treatment levels.

Section 205(1)(a), page 33, Developmental Disabilities Downsizing

Subsection 1(a) requires the Department of Social and Health Services (DSHS) to transfer at least 250 residents from the residential habilitation centers to community residential programs. By this action the Legislature is directing the agency to change its interpretation of the "Family Choice" statutes. To move this many clients with the funds provided appears very difficult and will require the Department to expedite placement planning. I am committed to good, safe, high quality placements for the developmentally disabled clients living at the institutions as well as in community settings.

Section 205(1)(b), page 33, Residential Services

Subsection 1(b) requires the Department of Social and Health Services to continue to contract with King County to administer community-based residential services. This contract, unique to King County, adds additional administrative expenses for both the state and the providers. The money provides a greater benefit if spent on the direct delivery of services to clients.

Section 205(2)(a), page 35, Temporary Staff

This subsection provides funds to the Department of Social and Health Services for costs related to hiring temporary staff at the residential habilitation centers. To ensure continued certification at these institutions, staff must be well-trained. To protect our investment in this training as well as ensure continued certification, some temporary staff may have to be made permanent. I am directing the Department to use temporary staff at the institutions to the maximum extent possible to the degree it does not risk continued federal certification of the residential habilitation centers. The agency will provide the appropriate committees of the Legislature with a thorough accounting of these funds as well as the status of the temporary and permanent staff employed at the residential habilitation centers.

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Section 205(2)(c), page 35, Loss of Federal Financial Participation

Subsection 2(c) provides funds solely for residential habilitation center clients who risk causing the institutions to lose federal financial participation. I am directing the Department of Social and Health Services to use its discretion in how to best serve these residents and ensure continued federal certification. Any savings that may accrue as a result of these actions will be set aside and not be expended until reviewed and approved by the Office of Financial Management. The agency will notify the appropriate committees of the Legislature about the status of its efforts to maintain federal certification and how these funds have been expended.

Section 206, pages 36-37, Developmental Disabilities 10-Year Plan

This section provides funds for the Center for Disability Policy and Research of the University of Washington to complete a 10-year plan for the operation of state-funded services for the developmentally disabled. I feel strongly that this plan should be done, but it is the responsibility of the Department of Social and Health Services. I am directing the Department to develop this plan within their existing resources. In preparing this plan, I am directing the Department to involve representatives from community providers, institutional advocates, and other developmental disability advocacy groups.

Section 212(2), page 42, Intensive Inpatient Treatment Beds

The proviso language contained in this subsection is overly prescriptive in directing the Division of Alcohol and Substance Abuse to contract with a specific service provider. While I agree that additional adult intensive inpatient treatment beds may be needed in Pierce County, it is imperative that the Department of Social and Health Services be allowed to follow established administrative procedures in selecting and acquiring treatment resources. I will direct the Department to examine the treatment needs consistent with this proviso and act accordingly.

Section 213(11), page 45, Diabetic Services

Subsection 11 directs the Department of Social and Health Services to develop and put into effect medical assistance procedural codes and payment schedules for specific diabetic services. This proviso is unduly prescriptive in the limits it places on the Department's discretion to manage the medical assistance program. The Department will pursue a review of diabetic services and will, on a case-by-case basis, determine the most cost-effective means of providing this care. These reviews will address the issue of whether, and when, in-home care as opposed to hospital care is appropriate. These actions will meet the intent of this subsection.

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Section 213(12), page 45, Managed Care

This subsection requires the Department of Social and Health Services to increase total payments to managed care providers whenever the current rate is below the statewide average fee-for-service equivalent rate. The increased payments are to be made in the form of signing bonuses. No discretion is provided to the Department, it is simply mandated to increase rates uniformally for all managed care contractors. The cost of going from regional managed care rates with federal matching participation to the statewide average rate where the difference is all General Fund-State would be substantial and is not funded. Without the specific funding for this purpose, not only would the Department have to absorb this cost, but it would also lose the opportunity to gain federal matching funds. In making this veto, I am in no way implying a lessening of interest in managed health care. I am directing the Department to look for ways, within available funds, to promote equity and provide incentives to encourage current providers and new providers to participate to a greater degree in managed care programs.

Section 215(1), page 46, Local Impact Account

This subsection provides funds solely to mitigate the impact of state institutions on local communities. Rather than set aside these funds I am directing the Department of Social and Health Services to pay for these impacts as the bills are received.

Section 216(6), page 48, Evening and/or Weekend Service Hours

Subsection 6 requires the Department of Social and Health Services to deploy 20 percent of the local office staffing added for increased caseload to expand evening and/or weekend service hours. While the intent of this proviso is supported, it cannot be met without additional funding. The Community Services Administration program did not receive funding for a number of requirements it must meet in the 1991-93 Biennium. In addition to numerous policy reductions and an across-the-board 3 percent decrease, funding for outstationing of eligibility staff required by the federal Omnibus Reconciliation Act of 1990 was not provided. The cumulative effect of these unfunded requirements makes it impossible for the Department to meet the added requirements of this subsection.

Section 216(12), page 49, Grant Standard Increase

This subsection provisos funds for a grant standard increase in the Community Services Administration Program within the Department of Social and Health Services. The wording of the proviso addresses assistance programs while the funding is for additional staff associated with the increased caseload that comes with a grant standard increase. The wording is misleading and is being vetoed to eliminate any possible discrepancy between the grant standard increase and staffing requirements in this program.

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Section 219(4), pages 51-52, Study of Health Care Coverage

This subsection requires the Health Care Authority to conduct a study of health care coverage for retired and disabled state, local government, and public school employees. The study is to be completed by December 1, 1991. The study required is not funded and is too broad to be completed either by December 1, 1991 or by available staff.

Section 220(26), page 58, Grant Expenditure Notification

This subsection requires that the Department of Community Development notify the Legislature before reducing grants or contracts in assistance to units of government. While the Department will make every effort to adequately fund programs, this proviso unduly limits the agency's management prerogatives.

Section 227(3), page 64, Women, Infants and Children Program

Section 227(3) purports to provide $5,000,000 in General Fund-State specifically for enhancement of the Women, Infants, and Children (WIC) program. It is clear that the Department of Health is actually receiving only $2,500,000 in additional General Fund-State authority. I am vetoing this subsection because we cannot provide $5,000,000 General Fund-State for increased WIC services and I do not wish to mislead anyone into believing that the Department of Health has the available funding.

Section 232(1), page 68, Administration of Extended Unemployment Compensation Benefits

This subsection requires that the Employment Security Department (ESD) use $1,278,000 of the Unemployment Compensation Administration Fund-Federal appropriation to perform several duties related to the administration of the extended benefits for timber workers set out in chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555). Use of this source of funds for purposes set out in sections 3, 5, and 9 of chapter 315 is inappropriate and would lead to adverse federal audit findings. Neither the extended benefits program or the delivery of services to timber workers are adversely affected by this veto.

Section 232(4), (5), (8), (9), and (10), pages 68 - 69, Administrative Contingency Fund

Subsections 2 through 10 direct the expenditure of $7,829,000 of the Administrative Contingency Fund appropriation to specified purposes. Subsections 2, 3, 6, and 7 appropriate $1,810,000 to essential elements of our state's assistance to timber-dependent communities and displaced timber workers. Funding of these four activities at the levels indicated is sufficiently important that I am letting these subsections stand. Because the total appropriation for this fund (page 67, line 21) of $11,808,000 exceeds my understanding that only $9,510,000 in revenue will be received by this fund, however, I am vetoing subsections 4, 5, 8, 9, and 10 to increase the Employments Security Department's flexibility to absorb

the $2.3 million shortfall. Whereas it would have been necessary for ESD to make cuts averaging 71 percent in the $5.3 million of nonprovisoed current level programs, these vetoes reduce the percentage cut which must be taken in the revised nonprovisoed base of $11 million to 30 percent. I will require that ESD present its planned allocation of the unprovisoed balance to programs to me for my approval.

Section 232(11), page 69-70, Administrative Contingency Fund

This subsection would require the Employment Security Department (ESD) to adhere to the program allocations specified in subsections 2 through 10 through all of Fiscal Year 1992. The Legislature would consider making up any revenue shortfall with supplemental appropriations for Fiscal Year 1993. In view of the fact that the appropriation for the Administrative Contingency Fund already exceeds estimated revenue by $2.3 million, and to avoid the future consequences of spending more than is available in the short term, I must ask that less be expended in Fiscal Year 1992. My veto of subsections 4, 5, 8, 9, and 10 (see above), the veto of this subsection, and my earlier stated requirement that ESD submit a balanced expenditure plan to me for approval should ensure continuity in the delivery of services supported by this fund.

Section 232(12), page 70, Displaced Timber Worker Pilot Program

This subsection requires the Employment Security Department to make funds available from federal funds that have been received for a pilot program for dislocated timber worker training. The funds that would be used for this purpose have already been allocated to Service Delivery Areas, consistent with federal Department of Labor requirements. They are not available to implement a pilot program as specified in this subsection.

Section 303 (10), page 75, Columbia Basin Irrigation Matching Funds

This subsection provides $100,000 as state matching funds for the Columbia Basin Irrigation project. There are significant questions about the appropriateness, cost-effectiveness and economic justification for this project as a whole. Given the planning processes currently underway, it would be inappropriate to support a large expansion of the Columbia River Reclamation project at this time.

Section 303(17), page 77, and Section 313(7), page 86, Wildlife Rehabilitation Center

Both of these sections direct the Department of Wildlife to expend $450,000 from the Coastal Protection Account for a marine mammal and bird rehabilitation center. Although the agencies support the concept and plan to

develop such a center, this proviso conflicts with existing statute and fund obligations. Under RCW 90.48.142, expenditures from the Coastal Protection Account can only be authorized by a steering committee of natural resource agencies. In addition, the majority of funding available in the Coastal Protection Account is derived from the settlement of the Nestucca Oil Spill. Although the settlement makes a provision for a rehabilitation center, only $360,000 was designated for this purpose in the agreement. This proviso would be in conflict with the settlement agreement. Although I am vetoing these sections, the agencies will continue the development of a center.

Section 308(2), page 80, Washington Research Foundation

This section provides $200,000 for the Washington Research Foundation. While I am supportive of encouraging greater commercialization of promising technologies developed in state research institutions, it is more appropriate that the Department of Trade and Economic Development contract directly with the appropriate university for services. If the university deems it appropriate, they may contract with the Washington Research Foundation.

Section 308(5), pages 80-81, Value Added Program

The language in this subsection is in conflict with the requirements stipulated in Engrossed Substitute House Bill No. 1341, timber-dependent communities. It provides for business contracts above the current level of expenditure, and unnecessarily restricts the flexibility of our highly successful value added program. I will require the Department of Trade and Economic Development to use a significant proportion of the funds for business contracts to promote value added manufacturing.

Section 308(6), page 81, Program Coordination

This subsection provides funding for coordination of the state timber response currently being done by the Governor's timber team. I will require that the Department of Trade and Economic Development enter into an interagency agreement with the Office of Financial Management (OFM). I am requiring OFM to expend these funds in compliance with Engrossed Substitute House Bill No. 1341. This appears to be a technical error.

Section 308(10), page 81, Grant Expenditure Notification

This subsection requires that the Department of Trade and Economic Development notify the Legislature before reducing grants or contracts in assistance to units of government. While the Department will make every effort to adequately fund programs, this proviso unduly limits the agency's management prerogatives.

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Section 312(4), page 84, Coho Net Pens

This subsection provides $785,000 in General Fund-State for increased coho salmon production through net pens and delayed release methods. While increasing the production of salmon is important, a project of this size is infeasible at this time. Further study is required to determine the role that such projects will have in artificial and natural production programs, to evaluate environmental consideration in siting net pens, and to ensure consistency with the Salmon 2000 Plan scheduled to be submitted to the Legislature in January 1992. Although I am vetoing the proviso, I am directing the Department of Fisheries to expend $75,000 on developing a plan for pen-rearing coho to be completed no later then July 1, 1992. The remaining funds will be placed in unallotted status until a specific plan for expenditures has been completed and submitted to the executive and the Legislature.

Section 315(6), page 91, Yakima Office - Livestock Marketing News

Subsection 6 directs that $172,000 of the General Fund-State appropriation be maintained for this function out of the Yakima office. This proviso unreasonably restricts the Department from carrying out this function which will be maintained, as efficiently as possible, out of the Department's Olympia office. Furthermore, this provision would require the agency to reduce needed services in other areas due to other legislative cuts.

Section 402(1), page 93, Master License System

Section 402(1) requires that $1,000,000 be transferred from nine state agencies to help fund the Department of Licensing's Master License System (MLS). No funding has been provided in any of the affected agencies budgets to fund this requirement. The appropriate role of fee support versus General Fund support for the Master License System has been a matter of controversy for several years. The time has come to resolve this matter. I believe the Master License System has proven itself to be a valuable service to business, greatly simplifying the time and effort required to meet the state's license, tax, and regulatory requirements. It is time for the Legislature to decide whether the MLS is a benefit to business worth additional fee support, a service provided by the state to business funded at least partially through the General Fund or not worth doing at all. In any case, requiring participating agencies to absorb the costs of the system is not an acceptable option.

Section 516(6), page 123, Drug Enforcement and Education Account

Subsection 6 provides $10,300,000 to be provided to support school district substance abuse awareness programs. The funding is restricted in distribution to the same method used in the current biennium. Several districts, in a concentrated geographic region, received large grant amounts and other districts received no funding at all. By restricting the grants

to the current districts, a true statewide impact on substance abuse education for our students cannot be achieved.

Section 517(13)(a), pages 126 - 127 Fair Start Program

Section 517(13)(a) requires that school districts and educational service districts receiving funding for early intervention and prevention services collaborate with regional support networks or counties for coordinated case management. Although this mandate is commendable, this language would require labeling of children before early intervention services could be offered. It would also preclude the purchase of services from some youth and family service agencies. Fair Start funds have provided schools the opportunity to assist children and their families before serious problems emerge. Children benefit from a variety of interventions, including, but not limited to approved mental health providers. Again, I commend the intent of this proviso, and encourage continued collaboration between the schools and the mental health community.

Section 517(20), page 129, REACH for Excellence Program

Subsection 20 provides grant funding to local school districts to develop outcome-based educational programs and methods of assessing students' achievement. I am committed to a system that is performance oriented and emphasizes student results. However, it would be inefficient and a questionable policy to have this complex task undertaken by individual districts without benefit of state direction and technical assistance such as was envisioned in the education restructuring bill which failed to pass the Legislature. I will ask the Governor's Council on Education Reform and Funding to address these issues as part of its charge.

Section 601(2), page 136, HECB Recommendations on Expenditure Categories

This subsection requires the Higher Education Coordinating Board to define instructional support expenditures and indirect support expenditures, identify the rates of these expenditures in each higher education institution, and recommend guidelines for these categories of spending. This subsection is vetoed because it takes time from other important tasks assigned to the Higher Education Coordinating Board.

Section 601(5), page 140, Salary Increase Restrictions

This subsection prohibits salary increases over $3,900 in 1992 and 1993 for any person in the higher education system with an annual salary over $100,000. This subsection impedes recruitment and retention of qualified administrators and instructors and is therefore vetoed.

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Section 601(8), page 142, Administrative Overhead

Section 601(8) stipulates that institutions of higher education shall not deduct more than 15 percent for administrative overhead from any amount received for services performed under an interagency contract new or renewed since June 30, 1990, unless a higher rate receives Office of Financial Management approval prior to execution of the agreement. This subsection conflicts with statutory law, RCW 39.34.130 and RCW 43.09.210, requiring state agencies to pay full costs for services performed on its behalf by other state agencies. I recommend the Office of Financial Management review administrative overhead cost recovery rates paid to institutions of higher education.

Section 905, pages 180-181, Publication Expenditures

Subsection 1 requires that all state publications be printed on recycled paper. I have already encouraged this practice and most state agencies actively support recycling efforts. However, universal access to recycled paper is not certain and some publications such as state maps cannot be reproduced on available quality paper. I prefer that state agencies have the flexibility to make the most cost effective choice in this matter without risking violation of the appropriations act.

Subsection 2, which requires recipient confirmation of their desire to be on a state mailing list, also makes a lot of sense from a broad policy perspective but could prove counterproductive in actual practice. Agencies may, for example, have a legal responsibility to provide information to specific clients, or find that surveying recipients poses additional costs.

Although I am vetoing this section in its entirety, I will instruct state agencies to initiate procedures which accomplish the general intentions of the Legislature.

Section 906, page 181, Personnel Recruitment

This section restricts agencies from obtaining outside assistance in filling vacancies except when granted a waiver by the Department of Personnel (DOP). Under this provision, agencies are encouraged to obtain these services from DOP. This provision is unreasonably restrictive. While the bill provides resources to DOP for doing executive searches, these are likely to be insufficient for the purpose intended. In any case, requiring waivers creates additional bureaucratic hurdles and represents an unacceptable incursion in the executive's authority. Finally, the Legislature failed to identify any criteria for granting waivers.

To the Honorable, the House
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Section 907(5), pages 182-183, Limitations on Personal Service Contracts

I concur with strengthened management of the state's personal service contracting process embodied in this section. In fact I intend to go further in requiring executive agencies to provide information on all personal service contracts so that a complete database on activity in this area will be available.

Subsection 5 of section 907 requires the Office of Financial Management to ensure that statewide expenditures for personal service contracts in the 1991-93 allotments do not exceed personal service expenditures incurred during 1989-91. Object expenditures are dictated by specific budget policy decisions, not historical patterns. Personal service contracts tend to be project in nature and it would be arbitrary to stipulate that individual agency costs or statewide costs match the prior biennium.

In practical terms, this requirement could not be implemented until after the 1991-93 allotments were submitted since the Legislature does not appropriate at the object level of detail. This approach would require some executive-determined reduction to initial allotments if the statewide personal service contracts total exceeded 1989-91 estimates. The language also specifically includes judicial agencies over which the Governor has no allotment approval authority.

Section 908, pages 183-184, OFM Out-of-State Travel Expenditures

I support the concept of increased accountability for state employee travel and have recently issued tighter travel regulations requiring agency head approval for out-of-country travel, limiting overnight stays, increasing the personal accountability of all employees for their travel, and establishing centralized travel management practices. Section 908 creates another layer of reporting and approval requirements that are a cumbersome attempt at micro-management.

Since Subsection 1 applies to "executive branch" agencies, it could provide OFM with authority over statewide elected officials' delegation of travel approval authority. Subsection 2 requires that expenditures for out-of-state travel that involves five or more employees and more than $1,000 per employee have prior approval of the Office of Financial Management (for executive agencies) or the agency head (for legislative and judicial agencies). Although I agree with the general policy of agency Director approval of certain out-of-state travel expenditures, I cannot accept a role for OFM that usurps the legal responsibility of agency directors and separately elected officials to make legitimate expenditures.

Subsection 3 requires agencies incurring out-of-state travel expenses for air transportation, for five or more persons, or in excess of $500 per person, to report specific details of this travel to the Legislative Budget Committee on a quarterly basis.

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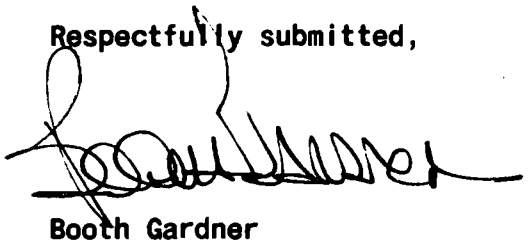
It may be desirable to provide more visibility to certain levels of out-of-state travel, but there is also an administrative burden that is created by having to report detailed information about most trips. The cost to universities and other agencies that necessarily engage in out-of-state travel does not appear justified by the benefits.

With the exceptions of sections 126(1), (2), (4), 128(3), 148, lines 1 through 4, 201(3)(b), (c), (f), 202(14), 203(1)(b), 205(1)(a), (1)(b), (2)(a), (2)(c), 206, 212(2), 213(11), (12), 215(1), 216(6), (12), 219(4), 220(26), 227(3), 232(1), (4), (5), (8), (9), (10), (11), (12), 303(10), (17), 308(2), (5), (6), (10), 312(4), 313(7), 315(6), 402(1), 516(6), 517(13)(a), (20), 601(2), (5), (8), 905, 906, 907(5), and section 908 Engrossed Substitute House Bill No. 1330 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 20, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Engrossed Substitute House Bill No. 1389 entitled:

"AN ACT Relating to aquatic plants."

This bill assesses an annual $3.00 surcharge on boat trailers in order to fund a program to address the serious environmental damage and loss of recreational opportunities caused by freshwater aquatic weeds. These problem weeds are difficult to check because these plants are usually non-native and lack any natural biological controls. Boats and trailers have been identified as a source of the spread of such problem weeds and therefore the funding mechanism contained in this bill is appropriately user-fee based.

While the legislature provided the funding mechanism, it neglected to provide an appropriation for the expenditure of these funds. I believe that establishing and funding of the freshwater aquatic weeds account is an important first step in addressing the damage caused by these weeds and will work with the legislature to provide the authority necessary to begin program operations. For this reason, I have vetoed section 5, the "null and void" clause, of Engrossed Substitute House Bill No. 1389.

With the exception of section 5, Engrossed Substitute House Bill No. 1389 is approved.

Respectfully submitted,

Booth Gardner
Governor

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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

June 30, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 5, 6(3)(b), (4)(d), 15(4), 19(62), 20(5), 24(17) line 8, page 105, (18) line 25, page 105, (22), line 23, page 106, 30(9)(b)(c)(d)(e), and section 58 of Engrossed Substitute House Bill No. 1427, entitled:

"AN ACT Adopting the capital budget."

My reasons for vetoing these sections are as follows:

Section 5, page 7, Office of the Administrator for the Courts

Section 5 provides for the replacement of the heating-ventilation-air conditioning system in the Olympia eastside building. This building is leased by the state and therefore it would be inappropriate to use bond money to correct building deficiencies.

Section 6(3)(b), page 8 and page 9, Asbestos Removal or Abatement Projects

Subsection 3(b) provides funding to the Office of Financial Management to be allocated to agencies and institutions for asbestos removal or abatement projects with conditions and limitations. While I agree with the Legislature's concern that funding asbestos projects needs a statewide, comprehensive approach, this language is unduly restrictive and does not allow for emergency situations. The federal law requirement applies only to school districts through the Asbestos Hazard Emergency Response Act (AHERA) program and this provision may unduly impact those institutions such as Developmentally Disabled facilities that do not fall within the AHERA requirements. The requirements for evaluation of asbestos projects is more appropriately established through administrative rule.

Section 6(4)(d), page 10, Higher Education Branch Campuses Site Acquisition and Development (90-5-002)

Subsection 4 provides funding for the acquisition and development of sites for branch campuses with conditions and limitations. Subsection (d) requires that the appropriation not be expended for land in the Spokane area until an environmental study indicates the property is free of toxic substances. While I concur with the Legislature that property acquired by the state not contain substances which exceed state and federal toxic standards, it is unreasonable to establish a standard which prohibits the state from acquiring property until it is "totally" free of toxic substance, as such a certification may be impossible for any property.

Section 15(4), page 56, Garfield Barracks

This subsection directs the Office of Financial Management to report to the legislature on the costs of constructing, maintaining, and operating Garfield Barracks using federal Veterans' Affairs funds compared to the cost of using Medicaid Nursing Home funding. This subsection also indicates funds cannot be expended until the agency has sought Medicaid Certification for its existing facilities. The federal Veterans' Administration has indicated that federal funds will not be released for projects with these kinds of provisos. Additionally, to seek Medicaid Certification for the existing facilities before a study has been completed is inappropriate. I am directing the Department of Veterans' Affairs to complete the study of funding alternatives.

Section 19(62), page 89, Olmstead Park

This subsection provides for the revenues generated from the lease of state lands at the park to be used exclusively for the improvements of this park. This language is unduly prescriptive and limits the Commission's discretion in efficiently administering the state park system.

Section 20(5), page 91, Clear Creek Dam

This subsection provides funding to rebuild the Clear Creek Dam in Yakima County. Although this project has strong local interest, because the benefits from the project are purely local they do not justify state funding. Given the limited nature of state capital dollars this project does not warrant a $1.75 million commitment of state funds.

Section 24(17) line 8, page 105 (18), line 25, page 105, (22), line 23, page 106, Wildlife Reimbursable Bonds

These sections make appropriations for capital projects for the Department of Wildlife and are funded through reimbursable bonds backed by the State Wildlife Account. While use of such funding may be an acceptable policy, it cannot be decided without determining the future amount of General Fund which

will be used to fund the Department. The Wildlife Department cannot commit to debt service until there is a resolution to provide sufficient General Fund financing for their operating budget. I am therefore vetoing the appropriations from the Wildlife Reimbursable Construction Account. The agency will scale back these capital projects and complete them to the extent possible within existing funds.

Section 30(9)(b)(c)(d)(e), page 127, Public School Building Construction

Section 30(9) provides funding for school construction subject to conditions. These conditions would effectively gut the log export restriction recently enacted by Congress and implemented by my office. I believe it is a cruel hoax to encourage the export of raw logs overseas at a time we are facing an extreme raw log shortage within our own state. Last month, a judge shut down virtually all new timber sales on Federal lands in Washington state. Consequently, the only supply of logs left for those federally dependent mills will be from state lands. This budget proviso attempts to take that supply away from these mills as well. If successfully implemented, this proviso would effectively snatch thousands of jobs from Washington forest products workers and send those jobs to Japan.

I am vetoing the proviso requiring the Department of Natural Resources to rewrite the rules adopted by my office to implement the state log export restriction. The rules currently in force prohibit the practice of substitution. Substitution is a practice carried out by the large landowning, log-exporting companies of exporting logs from their own lands overseas and then running the export restricted logs through their mills. This practice effectively negates the impact of the export restriction and results in the state subsidizing the big log-exporting companies.

The Department of Natural Resources opposes the substitution prohibition and has expressed a desire to write rules which would allow the big log exporting companies to buy export restricted state logs.

I am vetoing this proviso for three reasons: 1) An effective export restriction is needed during this time of log shortages. 2) Changing the rules will not save the common school construction fund money. It is a federal law which prohibits exports not the state rules. Gutting the rules will merely ensure that the beneficiaries of the law are the big log exporting companies rather than the small and medium sized domestic processors. 3) This proviso is not legal under Federal law. The Federal log export restriction gives the Governor or the legislature the authority to write rules implementing the federal log export restrictions. This federal authority can only be promulgated by the passage of specific authorizing legislation or by an issuance of rules by the Governor. Budget provisos are not a substitute for either of these actions.

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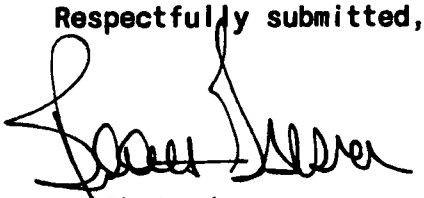
Section 58, page 194 and 195, Development Loan Fund

This section amends the development loan fund statute to make principal and interest payments to the fund appropriated. The state appropriation of funds with federal status will not allow the program to comply with federal regulations.

With the exception of sections 5, 6(3)(b), (4)(d), 15(4), 19(62), 20(5), 24(17), line 8, page 105, (18), line 25, page 105, (22), line 23, page 106, 30(9)(b)(c)(d)(e), and section 58 of Engrossed Substitute House Bill No. 1427 is approved.

Respectfully submitted,



Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 15, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1525 entitled:

"AN ACT Relating to government travel and subsistence rates for educational employees."

This bill allows local school districts and educational service districts to process travel payments through the Superintendent of Public Instruction for district travel costs in an attempt to share in the benefit of state negotiated travel rates. Districts would reimburse the Superintendent of Public Instruction for payments to the local district employees. The bill also requires the Department of General Administration to take all reasonable and necessary action to include educational service districts and school districts as direct beneficiaries in any future preferred travel, lodging or subsistence rates contract.

The Department of General Administration has tried to include political subdivisions in airfare contracts and the providers have not been amenable to including them. The current state contract specifically excludes political subdivisions. The Department of General Administration will work with cities, counties and school associations to assist them in developing a mechanism for negotiating as a unit with airfare providers for reduced rates. The mechanism presented in this bill, however, could violate the existing state contract. Since the bill cannot be implemented, it provides false hope for any savings.

For these reasons, I have vetoed Substitute House Bill No. 1525.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 15, and 16, Engrossed Substitute House Bill No. 1608 entitled:

"AN ACT Relating to children's services."

Section 1 directs the Department of Social and Health Services (DSHS) to conduct an assessment of the children in its care in order to determine the appropriate level of residential and treatment services required. This study is not made contingent upon funding in the budget. Because of the budgetary constraints agencies face in the next biennium, I cannot accept placing unfunded responsibilities upon them.

Section 15 allows any client of DSHS, individual complainant, or foster parent who exhausts the department's complaint process and who is subjected to any reprisal or retaliatory action to seek judicial review. Individuals who are treated unfairly by a state agency should be given the opportunity to seek redress. In many cases, statutes allow for appeal of agency actions, and where loss occurs, receipt of recompense. However, where the current authority to seek review is specific, protects appellants, and insulates the state from frivolous legal actions, this section is vague and does not offer sufficient definition to develop a meaningful system of judicial review of agency actions. Further attempts to develop such a system must provide greater specificity.

Section 16 would require DSHS to notify certain foster families in writing of a decision to move a child to another placement five days prior to doing so. Current statutes do not specify the means of notification. In addition, this section removes certain circumstances under which DSHS can waive this notification requirement.

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While state agencies and child placing agencies should strive to provide written notification, current workloads for child welfare workers do not always allow for such notice. More importantly, this section constrains the department's ability to move children without five days notice when the child is being returned home or is residing in a group home. Where parents voluntarily place their children in foster care, the department should not be constrained in its ability to return them to their parents when the child's safety is not jeopardized.

For the above reasons, I have vetoed sections 1, 15 and 16 of Engrossed Substitute House Bill No. 1608.

With the exception of sections 1, 15, and 16, Engrossed Substitute House Bill No. 1608 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 15, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 21 and 23, Second Substitute House Bill No. 1671 entitled:

"AN ACT Relating to growth strategies."

This bill establishes two innovative approaches to dealing with some of the problems associated with the rapid growth in this state: highway access control and transportation demand management (TDM).

Motor vehicles generate over 40% of the air pollution in our state. For this reason, I included TDM as one of the key strategies in addressing the major sources of pollution in the clean air bill I submitted to the 1991 Legislature. Reducing the number of vehicles on our roads, particularly single-occupant vehicles, through TDM measures is an effective way to reduce automobile-related air pollution, traffic congestion, and energy use.

Examples of TDM measures include carpools, vanpools, employer-subsidized transit passes, parking fees at market rates, work-at-home options and alternative work schedules. This bill allows public and private employers to choose the options that best suit their particular work situation while working toward reducing the number of their employees who drive alone to work.

TDM generated considerable interest and support among a broad range of interests, including local governments, business and environmental organizations. This bill has the imprint of all these groups.

During the legislative process, the TDM provisions were separated from the clean air bill and incorporated in Second Substitute House Bill No. 1671. Due to an oversight, the appropriate linkages were not made between the two bills to provide funding for the TDM program. I am vetoing sections 21 (codification) and 23 (null and void) to ensure that the revenue raised in Engrossed Substitute House Bill No. 1028, the clean air bill, may be used for the TDM activities prescribed in this bill as intended.

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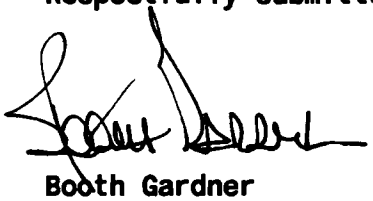
Section 21 codifies the TDM provisions of this bill in Title 81 (Transportation). Funds intended for air pollution control activities, such as TDM, are provided in Engrossed Substitute House Bill No. 1028, section 228. However, section 228 permits expenditures only for the clean air bill, of which TDM was originally a part, and RCW Chapters 70.94 and 70.120.

In vetoing section 21, I am requesting the Code Reviser to place the TDM sections of this bill into RCW Chapter 70.94, Washington Clean Air Act. This would allow TDM activities to be funded from the revenues raised in Engrossed Substitute House Bill No. 1028 for air pollution control. This action is consistent with legislative intent and the purposes for which these revenues were originally intended.

I am vetoing section 23, the null and void clause, in order to protect the significant public policy established by this bill. While the 1991-93 biennium budget has not yet been adopted, funding for TDM activities has been included from the air pollution control account in previous versions of both the House and Senate budgets.

With the exception of sections 21 and 23, Second Substitute House Bill No. 1671 is approved.

Respectfully submitted,



Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 17 and 23, Substitute House Bill No. 1704 entitled:

"AN ACT Relating to motor vehicles special fuel taxes."

Section 17 of this bill proposes a new study of the costs and revenues related to vehicle licensing agents and subagents and the benefits provided to the public. A similar study has already been released by the Department of Licensing, entitled Taking The Title and Registration Process To The Customer, dated January, 1991. Additionally, the Legislative Transportation Committee intends to discuss policy questions relevant to this area. Thus, the proposed study under section 17 is redundant.

Section 23 relates to the state's implied consent law. Currently, if a suspected drunk driver is asked to take a blood or breath test and refuses, the person's driving privilege is revoked. This section would rescind that revocation if the basis for the suspicion is a nonalcohol or nondrug-related medical condition and the person is subsequently found not guilty of the offense.

I vetoed a similar provision last session. As I said in my veto message last year, the implied consent law "is the state's most effective tool to combat drunken driving." My belief has not changed. Section 23 erodes the implied consent law and is, therefore, unacceptable. Adequate safeguards exist under current law to protect drivers who experience difficulties because of medical conditions.

For the reasons stated, I have vetoed sections 17 and 23 of Substitute House Bill No. 1704.

With the exception of sections 17 and 23, Substitute House Bill No. 1704 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

April 22, 1991

To the Honorable, the House
of Representatives of
the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3, 5, and 10, Substitute House Bill No. 1800 entitled:

"AN ACT Relating to international relations and protocol."

This bill establishes an Office of International Relations and Protocol within the Office of the Governor and provides the office with broad powers to manage international issues affecting this state. It eliminates current responsibilities relating to this function in the Department of Trade and Economic Development.

This is a sound organizational move which I strongly support. It recognizes that activities associated with these kinds of programs are not geared solely to economic and foreign trade considerations. They also affect the broad spectrum of state and local government responsibilities, including cross-cultural exchanges, international education opportunities, global environmental impacts, scientific and agricultural issues, and many other important policy considerations. The Office of the Governor is uniquely suited to provide the statewide leadership and intergovernmental coordination that is required by this important function.

In spite of my strong agreement with the bill's intent, the measure does have some administrative/fiscal problems that were clearly identified by my office during the session. Most importantly, the bill lacks funding to carry out certain mandated responsibilities. Both the Senate and House budgets currently provide only $134,000 for the biennium and one staff person to perform a wide variety of required duties in section 3. These functions tend to be very resource-intensive. Without additional funding, it would be difficult to comply even minimally with some of these mandates.

To the Honorable, the House
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In addition, section 5 requires the creation of an international relations advisory committee to consist of at least 15 members. In order for this group to function properly and exercise its statutory duties, it will have to meet regularly and be afforded reimbursement for travel expenses and lodging associated with its meetings. Without sufficient funding, it would be difficult for this group to function in the manner required by the bill.

I firmly believe that an important element in effective international relations programs is to ensure that expectations are matched with actions and resources that are consistent over time. Section 3, and to some extent, section 5, raise a set of expectations about the state performing a wide range of coordinative technical assistance, and diplomatic functions without providing the resources to carry them out. In the long run, I do not believe that will enhance our status as a credible participant in the international arena.

Section 10, which requires automatic transfer of existing employees to the new office, is inconsistent with the authority given to the Governor in section 2 to appoint staff to the program.

For these reasons, I have vetoed sections 3, 5 and 10 of this bill.

With the exception of sections 3, 5, and 10, Substitute House Bill No. 1800 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the House
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval Substitute House Bill No. 1821 entitled:

"AN ACT Relating to the fraudulent installation of fire protection sprinkler systems."

This act amends the criminal code, making it a gross misdemeanor for anyone to install, construct, or maintain a fire protection sprinkler system without first obtaining from the State of Washington, a fire sprinkler contractor's license.

In requiring a license for all personnel who work on sprinkler systems, in-house maintenance employees would be prohibited from performing responsibilities currently required by their employer. The drafters of this legislation note that they did not intend to eliminate the exemption for in-house employees which was enacted just last year.

The inadvertent impact of subsection two of this act requires a veto of the entire section, and thus the entire bill. However, because the stated goal of this legislation is laudable, I am directing the Department of Community Development to work with the proponents of this bill to prepare agency request legislation which will accomplish the stated goal without the unintended consequence of this act.

For the reason stated, I have vetoed Substitute House Bill No. 1821 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Engrossed Substitute House Bill No. 1881 entitled:

"AN ACT Relating to determining the number of district court judges."

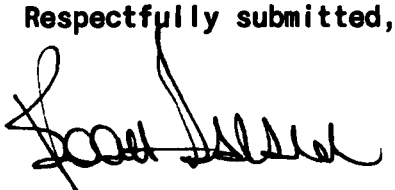
This bill authorizes the use of the weighted caseload analysis as the basis for determining the number of full and part-time district court judges.

RCW 3.34.010 is amended in both section I of Engrossed Substitute House Bill No. 1881 and section 1 of House Bill No. 1467 which adds additional district court judges. If both of these sections became law, they would be in conflict. This would create confusion in the implementation of the weighted caseload method as well as jeopardizing the new district court judge positions.

I am assured that the enactment of section 1 of Engrossed Substitute House Bill No. 1881 is not necessary in order to facilitate the weighted caseload method. To insure that this new program can be implemented without legal confusion, I have vetoed section 1 of Engrossed Substitute House Bill No. 1881.

With the exception of section 1, Engrossed Substitute House Bill No. 1881 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

May 10, 1991

To the Honorable, the House
of Representatives of
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Engrossed House Bill No. 1883 entitled:

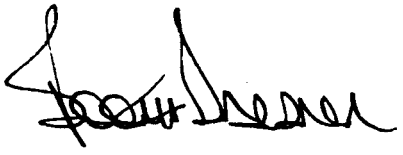
"AN ACT Relating to gasohol."

This bill extends the tax exemption for alcohol blended fuels. By so doing, this legislation serves to promote the use of gasohol. Its enactment will reduce dependency on imported oil, strengthen relevant agricultural markets, and reduce air pollution.

Section 3 of this bill, however, is duplicative of language referenced in the Clean Air Bill, Engrossed Substitute House Bill No. 1028, section 231. For this reason, I have vetoed section 3 of Engrossed House Bill No. 1883.

With the exception of section 3, Engrossed House Bill No. 1883 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Substitute House Bill No. 1886 entitled:

"AN ACT Relating to alcohol and drug evaluation and treatment for individuals convicted of vehicular homicide or vehicular assault."

Section 3 of this bill requires that an individual sentenced to the custody of the department of corrections for vehicular homicide or vehicular assault also be sentenced to the community placement program. RCW 9.94A.150 regulates the conversion of earned early release time to community custody for those offenders sentenced to this program. That statute is specific as to the offenses for which an individual can be denied earned early release and placed in community custody.

Substitute House Bill No. 1886 did not amend RCW 9.94A.150 to include vehicular homicide and vehicular assault in the list of eligible offenses. As a result, the status of offenders who earn early release will be ambiguous at the time they are eligible for release from confinement. Because of this confusion, I am vetoing section 3.

With the exception of section 3, Substitute House Bill No. 1886 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute House Bill No. 1954 entitled:

"AN ACT Relating to agricultural nuisances."

This bill expands the list of agricultural activities which are included within the exemption to statutory nuisance provisions. Because of its importance as a message, I am going to sign section 2 of this legislation. I would hope that the agricultural community becomes more involved in advocating for strong growth management regulation. The problems addressed by this legislation could better be addressed by controlling growth and preserving agricultural lands for agricultural purposes. Limiting nuisance litigation does not prevent the intrusion of urban uses into prime agricultural areas. The conflicts will only continue to escalate.

However, I have vetoed section 1 primarily because of the ambiguity that it creates regarding other important regulatory programs. As originally drafted, the bill indicated that reasonable agricultural activities could not be restricted as to "time of day." As the bill passed, it does not allow restrictions as to "time." This could mean time of day or it could mean a season. Although this section was intended to address local noise ordinances, there are other regulatory programs that occasionally restrict agricultural activities based on seasonal criteria. For example, some activities may be limited during specific months to protect juvenile salmon. To address concerns raised by this ambiguity, I have vetoed section 1.

With the exception of section 1, Substitute House Bill No. 1954 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 35, Engrossed Substitute House Bill No. 1960 entitled:

"AN ACT Relating to health professions regulation."

Subsections (2) through (11) within section 35 of this bill repeal chapter 28B.102 RCW, the Future Teachers Conditional Scholarship Program. I understand this was done in error, and that the sponsor's intent was to repeal chapter 28B.104 RCW, the Nurses Conditional Scholarship Program. I cannot veto these subsections without also vetoing the other subsections of this section, and I will not sign legislation which would repeal the Teachers Scholarship Program. While I must veto section 35, I recognize that such action will leave in law conflicting provisions regarding health professional loan repayment programs. Subsequent legislation will be needed to eliminate these conflicts.

With the exception of section 35, Engrossed Substitute House Bill No. 1960 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

C O R R E C T E D

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 25, Engrossed Substitute House Bill No. 2026 entitled:

"AN ACT Relating to water resource management."

Engrossed Substitute House Bill No. 2026 is the product of more than a year of work by many groups and individuals. First, as part of the Environment 2010 project, and secondly, as part of the Chelan Agreement. The bill is heading the state in the right direction regarding water use and conservation. This bill is good public policy because, among other things, it addresses inevitable water problems in advance of a crisis. Without some creative tools, such as the trust provisions contained in this bill, reallocation of waters may occur in the courts or by federal actions. Hopefully, the tools contained in this bill will help resolve critical water situations by allowing those within the state to direct the future use and management of our precious water resource.

Numerous groups and individuals have invested a great deal of time and energy in developing, drafting, and supporting this legislation. During the legislative process, however, a provision was added which unnecessarily creates new legal issues and institutional barriers to water conservation. The provision I am vetoing needs more public dialogue and debate by the Joint Select Committee on Water Resource Policy.

Section 25 is troubling in that it exempts irrigation districts from one of the basic tenets of water law -- "use it or lose it." Although this amendment would have placed irrigation districts in the same category as municipal water supply purveyors, it does so without sufficient discussion as to its impact on water conservation. Additional concern has been raised that adding irrigation districts to the exemption list will only compound the problem of speculation in water rights.

C O R R E C T E D

To the Honorable, the House
of Representatives of the
State of Washington
May 21, 1991
Page 2

Irrigation districts have a vast potential for water use efficiency improvements. As technological improvements become available, irrigation will require less water to meet the increased levels of production. By codifying outdated water requirements as a measure of a water right, this section would frustrate our efforts to encourage water conservation and to locate water for presently unmet and future needs. As such, this section deserves a more comprehensive review by the Joint Select Committee on Water Resource Policy.

For the reasons stated above, I have vetoed section 25 of Engrossed Substitute House Bill No. 2026.

With the exception of section 25, Engrossed Substitute House Bill No. 2026 is approved.

Respectfully submitted

Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the House
of Representatives of the
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, House Bill No. 2082 entitled:

"AN ACT Relating to district courts."

Section 2 of this bill addresses the question of sick leave benefits for district court judges. There is confusion as to the scope of the benefit being allowed under current law.

Section 2 attempts to clarify sick leave policy for district court judges. I am not convinced, however, that the language used in section 2 achieves that purpose. In fact, I believe that it would add further ambiguity. Because of the financial implications associated with this issue, it is important that any change in the law be set forth with precision.

I suggest that county elected officials work with district court judges to clarify and resolve sick leave issues before additional legislation is proposed.

For the reasons stated, I have vetoed section 2.

With the exception of section 2, House Bill No. 2082 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

July 1, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, House Bill No. 2214 entitled:

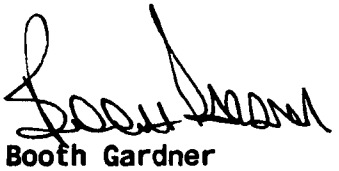
"AN ACT Relating to the municipal criminal justice assistance account."

This bill was intended to rectify an ambiguity resulting from a partial veto of Chapter 311, Laws of 1991. That measure defined criminal justice purposes and established a base year for supplanting provisions of the local criminal justice assistance provided by the Legislature in 1990. Section 3 of Chapter 311, Laws of 1991, contained the same language as sections 1 and 2 of this bill.

I vetoed section 3 because I believe it to be inappropriate to withhold critically needed criminal justice funds to effect an administrative agreement between two public entities. For these same reasons, I am vetoing section 2 of House Bill No. 2214.

With the exception of section 2, House Bill No. 2214 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2, 3, 17, 18, and 20, Engrossed Second Substitute Senate Bill No. 5025 entitled:

"AN ACT Relating to youth and family services."

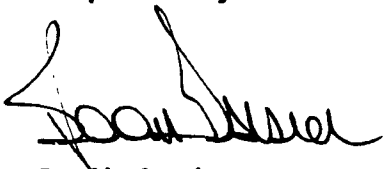
This bill attempts to enhance early intervention services for at-risk youth and their families. Sections 2 and 3 specifically require expansion of family reconciliation services to an additional 1,000 families per year, and the homebuilders program to 126 additional youth and families per year. These sections are contingent upon funding in the budget.

Because negotiations are still underway regarding the budget, the level of funding for these programs is uncertain. There are no assurances that the legislature will provide funds adequate to meet the specific service level increases required by this bill. Further, service levels can be itemized in a budget proviso and should not be set out in statute. These reasons require that I veto sections 2 and 3.

Sections 17, 18, and 20 make reference to the items specified above. To avoid confusion, I am also vetoing these sections.

With the exception of sections 2, 3, 17, 18, and 20, Engrossed Second Substitute Senate Bill No. 5025 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 20, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5052, entitled:

"AN ACT Relating to collection of public debts."

This bill amends the definition of "claim" in the law regulating debt collection practices by expanding that definition to include court-ordered or contractual restitution and any legal financial obligations imposed under the Sentencing Reform Act. It also stipulates that the state and its political subdivisions may "assign" public debts only to licensed collection agencies. In addition, it may limit the authority of public agencies to contract with debt collection agencies by eliminating their power to "retain" these agencies to collect public debts.

It is difficult to argue with the apparent purpose of this legislation -- to expand protection of the public against illegal debt collection practices and ensure that disreputable companies are not allowed to engage in collection activities, when such activities are associated with state and local government agencies. The bill attempts to achieve these goals by requiring public agencies to use licensed collection agencies to collect legal financial obligations.

While the purpose of the legislation is laudable, its application would have negative effects on two pre-trial diversion or deferred prosecution programs in Whatcom and Pierce Counties. Prosecutors in those counties have contracted with a private organization to act on their behalf to manage a program that requires training and payment of restitution, in lieu of prosecution, for people who write bad checks. An effort to require the offender to pay the victim for the amount lost on the bad check is an important part of the program. The counties contract for this program because they do not have the personnel and resources to run the program internally. It provides a valuable law enforcement service to businesses that are plagued by bad checks.

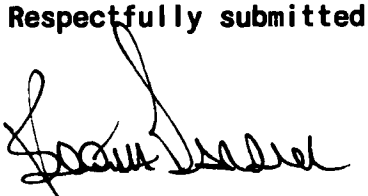
The bill would eliminate the authority of the two counties to contract for this kind of program with someone other than a licensed collection agency. That would make it difficult, if not impossible, to carry out the program in its current form. Licensed collection agencies are prohibited by statute from threatening prosecution and using any official connection with a public agency while engaged in collection agency business. The organization that manages the deferred prosecution program for the Pierce and Whatcom County Prosecutors uses both of these techniques as integral parts of the program.

In addition, I understand the issue of the bill's impact on these kinds of deferred prosecution programs was not considered by the Legislature. The Pierce and Whatcom County Prosecutors were not made aware of the bill. If there is a concern about public agencies contracting out for these services, that issue should have been part of the legislative debate on this bill.

Finally, this bill eliminates current discretionary authority of public agencies to retain licensed collection agencies to collect public debts. I question the wisdom of reducing the flexibility of state and local government to enforce public obligations in this manner.

For these reasons, I have vetoed Substitute Senate Bill No. 5052 in its entirety.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 16, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval Senate Bill No. 5075 entitled:

"AN ACT Relating to review of the Washington condominium act."

The Washington Condominium Act became effective in 1990. The act was passed after three years of intensive discussion by a previous statutory committee and numerous public hearings during the 1988 and 1989 legislative sessions.

Although there may be a need to amend some portions of the act, there is no need to create a cumbersome review process after only one year. The legislature updates major statutes as a matter of course, and the Washington State Bar Association has a review process underway already.

Finally, the committee is assigned broad tasks, including a review of the entire statutory scheme, yet the membership provides very limited representation to condominium purchasers.

For the reasons stated above, I have vetoed Senate Bill No. 5075.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 5082 entitled:

"AN ACT Relating to professional salmon fishing guides."

This bill contains a provision repealing reciprocity with Idaho for fishing in the concurrent waters of Washington and Idaho on the Snake River. This repealer was added during the session when it became apparent that Idaho was acting inconsistently with the reciprocity agreement with respect to fishing guide licenses. Recently, Washington and Idaho wildlife agencies, the Idaho Guides Association, and the respective Attorney General's Offices have agreed to meet and discuss future actions regarding reciprocity between the two states on the Snake River. Due to this renewed cooperative arrangement, it is unnecessary to repeal the section relating to the reciprocity agreement. I expect that the two states can continue to work together in the future. Without such a cooperative agreement, residents wishing to fish on the concurrent waters of the Snake River would have been required to purchase licenses from both states. This would only cause confusion and animosity.

For these reasons, I have vetoed section 4 of Substitute Senate Bill No. 5082.

With the exception of section 4, Substitute Senate Bill No. 5082 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 16, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval Second Substitute Senate Bill No. 5083 entitled:

"AN ACT Relating to the reestablishment of salmon hatcheries."

Sections 1 and 2 of this legislation, although important, do not need to be set forth in state statute. The Department of Fisheries has pursued funding for the Toutle Hatchery from Congress in the past, and will continue to do so into the future.

The information requested in section 3 to be submitted by the Department of Fisheries to the various legislative committees is already provided to the Legislature in preparing the biennial budget. It is unnecessary to codify a reporting function which is already standard procedure.

For these reasons, I have vetoed Second Substitute Senate Bill No. 5083 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 20, 1991

To the Honorable, the Senate
of the state of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5104 entitled:

"AN ACT Relating to pilot examinations."

This bill updates the Board of Pilotage Commissioners' pilot exam requirements to better reflect current needs. The same sections of law affected by this bill were also modified in a similar manner in Substitute House Bill No. 1027, which I have signed.

For this reason, I have vetoed Senate Bill No. 5104 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50, and 53, Engrossed Second Substitute Senate Bill No. 5120 entitled:

"AN ACT Relating to child support."

Any changes in the law affecting child support must focus on one issue -- the well-being of the children. This was my overriding concern in the actions I have taken today; I used every means possible to maintain financial support for children.

Before 1988, our child support system was haphazard and many children received little or no financial support from the noncustodial parent. These families often ended up on public assistance, experiencing all of the pitfalls of poverty.

In 1988, we succeeded in enacting a new child support system. In 1989 Washington's noncustodial parents paid an average award of $352 per month. That amount includes all payments ordered by the court for all children, including daycare, medical and education expenses. Noncustodial parents are paying an average of 26% of their incomes in child support. These are not unreasonable support awards.

I had these facts in mind when I reviewed this legislation, and I heard from numerous individuals and groups. I also had in mind the jeopardy our state faces with the potential loss of $70 million in federal funds if we do not adopt a uniform economic table. These funds are essential to the well-being of children, since they fund our child support collection system.

I have said before that the child support system needed minor improvements and that it would be helpful if the legislature gave more clarity to the courts on how children in second families should be protected. Engrossed Second Substitute Senate Bill No. 5120 does not contain language on this issue. Some people have stated their belief that this legislation would put to rest issues related to child support. This is not the case. The issue of second families remains to be resolved.

The portions of this bill that are signed into law will improve the system of family court services and clarify procedures for the Office of Support Enforcement. Minor modifications will be easier to obtain and protections are added for disabled veterans.

I have vetoed certain sections for three reasons. Either they lower support to children unjustifiably, they egregiously impact families with children or they violate federal law.

Section 25, the new economic table, is signed into law. This uniform schedule will rectify the legal problems we have with the federal government. While it is imperative that the state have a uniform schedule, I am pleased that in section 26, the Legislature obligates itself to periodically review this economic table.

Section 23 is vetoed because it states an intent that children must suffer from dissolution. Although that is unfortunately true in some situations, it is poor public policy to intend that it happen.

Sections 24, 28, 29, 32 and 50 are vetoed because they unjustifiably lower support to children. The new definition of "income" eliminates consideration of all overtime, second job income, contract-related benefits, gifts, prizes and bonuses, unless the judge makes an exception. The majority of support awards in the state could be lowered because of this change. I see no reason to use a definition that arbitrarily excludes as a benefit for children these very real types of resources that are available to parents.

Section 3 is vetoed because it is likely to have a negative impact on families with children. This section requires all periodic modifications to conform to the child support statutes. It then provides that any part of an existing dissolution decree that conflicts with the statute is "void". Custodial parents will be ordered to pay back support they received under legal court orders. This is an illegal retroactive modification and it would cause hardship to children.

Section 8 is vetoed because it overrules a child's right to private medical treatment in some situations. Children over age fourteen may receive medical treatment for sexually transmitted diseases and they may also use family planning services - all without parental consent. This amendment gives parents a right to those private medical records. Furthermore, there is great concern that the language would jeopardize child abuse investigations and domestic violence protections. I strongly support the right of both parents to have full and equal access to the education and available medical records of their children, but current law already gives them that right.

To the Honorable, the Senate
of the State of Washington
May 21, 1991
Page 3

Section 34 limits a court's ability to order support for postsecondary education. Current law gives the court discretion to order support and tuition payments after considering the circumstances. This amendment prohibits a court from ordering noncustodial parents to pay tuition above that charged by the Washington university system to resident students. A child could very well live in another state where tuition is higher than our state charges. This type of cap unnecessarily limits the court's discretion and arbitrarily limits the options for children.

Sections 35, 36 and 53 change the way parents pay for extraordinary expenses and day care. The custodial parent would be required to pay these costs and bill the noncustodial parent. A custodial parent who lives in Washington, for instance, could have to pay for a roundtrip airline ticket to the state where the noncustodial parent lives, so the child could have visitation. All extra health expenses would be paid up front by the custodial parent. If the bill isn't paid after 30 days, the custodial parent must use a time-consuming court process to collect. This is unreasonably harsh. Section 35 is the companion section that modifies the Office of Support Enforcement process regarding extraordinary expenses and section 53 is the accompanying null and void section.

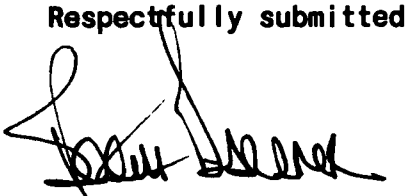
Section 5 contains language to allow Desert Shield and Desert Storm participants a retroactive modification for the time they were on active duty. We all laud the efforts of these fine service persons, but retroactive modifications violate federal law and work an unreasonable hardship on custodial parents. Furthermore, the bill is written with timelines that preclude nearly two-thirds of these people from taking advantage of the adjustment.

Section 1 is vetoed because of the hardship this venue change would have on rural Washingtonians and on Lincoln County. Current law allows expedited dissolutions in situations where the parties agree. I see no reason to take away this convenience.

For the reasons stated above, I have vetoed sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50 and 53 of Engrossed Second Substitute Senate Bill No. 5120.

With the exception of sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50, and 53, Engrossed Second Substitute Senate Bill No. 5120 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 17, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 8 and 9, Senate Bill No. 5148 entitled:

"AN ACT Relating to Limited Partnerships."

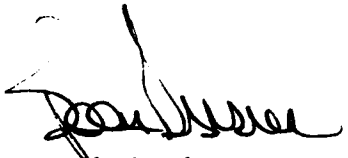
This legislation provides beneficial flexibility to limited partnerships so they can merge with each other or with corporations. Additional statutory changes clarify and add certainty to filing requirements.

Sections 8 and 9, however, would significantly change business operations in this state against the public interest. Limited partnerships evolved so certain business partners could invest with limited personal liability. In return for the limited liability, these partners have been proscribed from engaging in certain managerial activities. This concept protects creditors, other limited partners, clients and others who do business with partnerships. The amendments in this bill turn this concept on its face and extend the liability shield for limited partners, while removing the limits on their managerial control of the business.

For these reasons, I have vetoed sections 8 and 9 of Senate Bill No. 5148.

With the exception of sections 8 and 9, Senate Bill No. 5148 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

July 2, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

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

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

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

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

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 4, Senate Bill No. 5170 entitled:

"AN ACT Relating to district judges."

This bill reduces the number of district court judges in Pacific County from three to two and changes the salary setting authority for part-time district court judges' salaries from county commissions to the Citizens' Commission on Salaries.

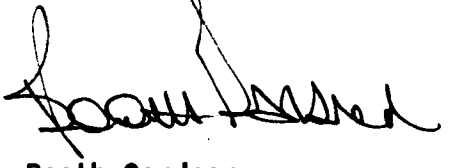
Section 1 of the bill reduces the number of district court judges in Pacific County. Identical language is included in House Bill No. 1467 which I have signed.

Section 4 contains an emergency clause. If the emergency clause were to go into effect, the Citizens' Commission on Salaries would have only 13 days to analyze, determine a process, and set salaries for district court judges. I do not consider that sufficient time to properly address a potentially complex issue. By deleting the emergency clause, the salary commission will have time to evaluate the salary needs of part-time judges, take public testimony, and make appropriate salary determinations.

For the reasons stated, I have vetoed sections 1 and 4 of Senate Bill No. 5170.

With the exception of sections 1 and 4, Senate Bill No. 5170 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 16, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 15, Engrossed Substitute Senate Bill No. 5256 entitled:

"AN ACT Relating to franchise investment protection."

Washington State's Franchise Investment Protection Act is an important consumer protection statute that, through protection of franchisees, has fostered a healthy business environment for reputable franchisors. Section 15 of this act would reduce the statute of limitations to only one year for an action by a franchisee for recission based on a failure of a franchisor to register. Further, the statute of limitations would be reduced to three years for all other actions under RCW 19.100.190. Currently, the statute of limitations may vary between two and six years depending on judicial interpretation.

While I agree that providing greater certainty in the limitation of actions is desirable, the original Washington State Bar Association Franchise Act Revision Committee's recommendation provided for a more reasonable statute of limitation of two years for failure to register and four years for other actions. This initial recommendation was modified by the Legislature.

A veto of section 15 is necessary to assure continued consumer protection. Some problems with franchise agreements may not arise during the first year. Experience has shown that franchisors who fail to register often have the weakest franchises to sell and do not provide the disclosures required by the Franchise Investment Protection Act, thus exposing the purchaser to unnecessary risk. Also, the one year statute of limitations could provide an incentive to unscrupulous franchisors to sell unregistered franchises hoping the year will pass before discovery of a problem and the franchisee's claim, however valid, will be barred from legal action.

With the exception of section 15, Engrossed Substitute Senate Bill No. 5256 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 25, Engrossed Substitute Senate Bill No. 5411 entitled:

"AN ACT Relating to the alleviation of flood damage."

Section 25 of Engrossed Substitute Senate Bill No. 5411 requires the Department of Natural Resources to not charge for removal of material from state-owned aquatic lands when such material is used for public purposes. Public purposes are defined by section 25 to include construction, maintenance, improvement or repair of roads, dikes, and levees. Similar language is contained in Substitute House Bill No. 1864. For this reason, I have vetoed section 25 of this bill.

With the exception of section 25, Engrossed Substitute Senate Bill No. 5411 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 20, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5442, entitled:

"AN ACT Relating to motorcycle permit restrictions."

This bill restricts issuance of a motorcycle instruction permit to individuals who have satisfactorily completed a motorcycle rider course or individuals who wish to change endorsement categories. Additionally, it removes the five-year experience standard on those who supervise a rider with an instruction permit.

Presently, the instruction permit is provided to a licensed driver as an opportunity to master his or her skills for riding a motorcycle under the supervision of a veteran motorcyclist prior to seeking the motorcycle license. Also, the department of licensing may require this person to pass the written portion of the motorcycle license examination prior to issuance of the instruction permit.

Enactment of this legislation amends the permitting process by requiring a motorcycle rider course prior to obtaining the motorcycle instruction permit. As such, a person would be required to locate a course, make an investment of time, and pay a $30 fee. It is not clear that these courses are readily available in the various geographic locations of the state, as well as, conveniently accessible to the public. As a result, the proposed change may unintentionally lead to greater numbers of "un-permitted" or "unlicensed" riders on our roadways.

For these reasons, I have vetoed Senate Bill No. 5442, in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 16, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Senate Bill No. 5474 entitled:

"AN ACT Relating to a data collection and reporting system on children's education and well-being."

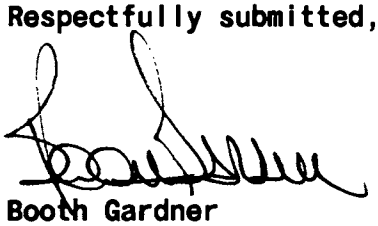
This bill creates a task force with representation from a broad range of agencies to review available data sources related to children's programs and recommend methods to make such data more user-friendly to state and local policy makers. The bill also requires local school districts to report new information that will improve the accuracy of the state's annual report on drop out rates. Both objectives are to be commended and I am glad to add my support.

Section 5 of the bill, however, provides that the new reporting requirements will expire in 1994. The brief life of this reporting requirement makes it appear to be a pilot project and may cause some school districts to be hesitant about incorporating this data into their permanent data collection systems. If the state hopes to reduce its drop out rate, accurate data is essential. Eliminating section 5 establishes these new reporting provisions as permanent requirements.

For the reasons stated above, I have vetoed section 5 of Senate Bill No. 5474.

With the exception of section 5, Senate Bill No. 5474 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 16, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 5 and 6, Senate Bill No. 5475 entitled:

"AN ACT Relating to higher education."

Section 5 of Senate Bill No. 5475 states the intent of the Legislature that sick leave policies be uniform and consistent for all faculty and administrators hired after May 1, 1992 at the state's community colleges, regional universities, state colleges and research universities. Section 6 requires the Higher Education Coordinating Board, in consultation with the State Board for Community College Education, to study institutional sick leave policies and recommend mandated uniform and consistent policy for all faculty and administrators hired after May 1, 1992.

The rationale for passing this legislation is not clear. The Legislative Budget Committee reviewed higher education sick leave policies in 1989 and concluded that, prior to modifying the sick leave policies, better data should be collected to permit informed decision-making. In 1990, a law was passed requiring the institutions of higher education to maintain complete and accurate sick leave records. One year of data collection is insufficient to conclude that uniform and consistent sick leave policies are appropriate for the institutions of higher education. As the Legislative Budget Committee correctly observed in their report, sick leave benefits should be considered in the broader context of an overall compensation package, and compensation should be related to the complexity and amount of work assignments.

This legislation disregards the advice of the Legislative Budget Committee and inappropriately prescribes the outcome of the Higher Education Coordinating Board study required in Section 6.

For the reasons stated above, I have vetoed sections 5 and 6 of Senate Bill No. 5475.

With the exception of sections 5 and 6, Senate Bill No. 5475 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 20, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 5558, entitled:

"AN ACT Relating to child labor regulation."

This bill would authorize the Department of Labor and Industries to issue civil penalties for violations of the state's child labor laws. I strongly support this authority.

Section 1 of this bill would require the Department of Labor and Industries to replace existing rules governing the employment of minors with rules which are consistent with federal law. Section 1 also requires the Department of Labor and Industries to revise child labor rules in the future as necessary to remain consistent with federal law. These requirements would be an unacceptable abdication of the State's responsibility and duty to its children.

Section 1 may be an unconstitutional delegation of legislative authority. Even if section 1 were upheld, provisions of state child labor law which were inconsistent with federal law might be legally unenforceable, leaving the state with no law under which to enforce some areas of child labor.

Beyond the problems of authority and process, I also object to the policy implications of section 1. Under current federal law, section 1 might effectively repeal important state policies, such as regulation of the hours of employment for sixteen- and seventeen-year-old children. The state might also be required to repeal its regulation of meal and rest breaks for children. Further, section 1 might place in jeopardy the state's newly enacted regulations of agricultural employment of children.

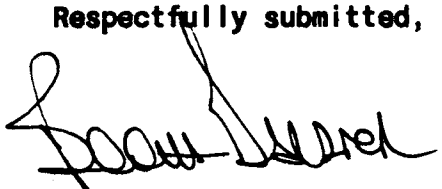
To the Honorable, the Senate
of the State of Washington
May 20, 1991
Page 2

The remainder of the bill establishes new tools to protect our children from working conditions and hours of employment which are detrimental to their health, safety and education. It is crucial that the state be able to regulate hours of employment for children to ensure that education, not employment, is the first priority for Washington's children.

For the reasons stated, I have vetoed section 1 of Senate Bill No. 5558.

With the exception of section 1, Senate Bill No. 5558 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

June 30, 1991,

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

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

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

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

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

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

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 301 and 508, Second Substitute Senate Bill No. 5568, entitled:

"AN ACT Relating to hunger and nutrition."

I commend the Legislature for its focus on nutritional needs of our families, and especially for its intent to improve the health and functioning of children so they can succeed in the classroom.

Sections 301 and 302 appropriately support issuing food stamps to eligible families as soon as possible after they apply. The Department of Social and Health Services is committed to that policy and will issue food stamps within 24 hours if sufficient staff is provided. Section 301, however, contains a legal conclusion about noncompliance that may make the state vulnerable to lawsuit. For this reason, I have vetoed section 301.

Section 508 would void the section 402 requirement that the Office of Superintendent of Public Instruction aggressively solicit schools and organizations to participate in the nutrition programs. Even if reference and funds were not provided in the budget, aggressive solicitation should occur, especially since these programs are federally funded. This should be current policy, and I have therefore vetoed section 508.

With the exception of sections 301 and 508, Second Substitute Senate Bill No. 5568 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5585, entitled:

"AN ACT Relating to licenses to sell liquor in motels."

This bill creates a Class M liquor license that would permit small motels with three or more rooms to sell hard liquor, beer, and wine in locked honor bars located in the guest rooms. The purpose of this legislation is to provide clientele of small motels with the same in-room liquor sales amenities that large hotels provide their guests under a Class H license.

While the bill may provide convenience to some motel patrons, the potential problems it creates far outweigh its benefits. For example, the bill would expand opportunities for unsupervised access to alcohol by minors by enabling up to 1,200 small motels to sell liquor, beer, and wine in their rooms. This is an outcome that we cannot afford, given the severe problems our young people are having with alcohol consumption.

The bill also violates a long-established legal precedent in this state regarding alcohol beverage control. It permits the sale of liquor in establishments without restaurant food sales. The snacks that would be provided in the honor bars are not a sufficient substitute for normal food sales.

And finally, if only one-half of the small motels become licensees, the Liquor Control Board would be faced with 600 new retail liquor outlets requiring regulation and enforcement. Without additional funding and personnel, which is very uncertain at this stage in the budget process, this would be an unreasonable burden to place on an already over-burdened enforcement staff. Even if I agreed with the public policy of expanding liquor sales to small motels, it would be very risky for the state to assume this substantial regulatory responsibility without assurance of proper funding.

For these reasons, I have vetoed Senate Bill No. 5585 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 208, Second Substitute Senate Bill No. 5591 entitled:

"AN ACT Relating to the reduction of solid waste through recycling."

Sections 201-214 of Second Substitute Senate Bill No. 5591 relate to the creation of a new program within the Department of Trade and Economic Development called the Clean Washington Center, the activities of which will be conducted with the assistance of an advisory board set up by section 204. Section 208 states that the Center may appoint advisory committees to assist in the development or implementation of the Center's work plan referenced in section 205(9). Since the Center is a program within the Department of Trade and Economic Development, the director of the department has current statutory authorization to appoint advisory groups as appropriate and, therefore, section 208 is not necessary. For this reason, I have vetoed section 208.

With the exception of section 208, Second Substitute Senate Bill No. 5591 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 15, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 10 and 11, Substitute Senate Bill No. 5632 entitled:

"AN ACT Relating to ocularists."

Section 10 of this bill establishes the state ocularist advisory committee in statute. This three member committee, appointed by the Secretary of the Department of Health, is comprised of a physician, an ocularist, and a state department of health employee. The purpose of this committee is to advise the Secretary of the Department of Health on the administration of the ocularist practice act. I see no reason for a state employee to be a member of this health profession advisory committee nor is it necessary to establish this advisory committee by statute. The Secretary of the Department of Health has authority under RCW 18.122.070 to appoint advisory committees to assist in the administration of health profession regulatory statutes. Therefore, I have vetoed section 10 of this bill.

Section 11 of this bill restates substantially the immunity from liability extended by RCW 18.122.070(5) to the secretary, members of advisory committees or individuals acting on their behalf. RCW 18.122.070(5) provides immunity based on "official acts performed in the course of their duties" for members of health care advisory committees. Section 11 of this bill would extend immunity to the state ocularist advisory committee for "any act performed in the course of their duties."

To the Honolrable, the Senate
of the State of Washington
May 15, 1991
Page 2

Neither the bill nor its legislative history provides further explanation of the change in immunity extended by section 11, nor a justification for such change to members of a particular health care advisory committee. Therefore, I have vetoed section 11 of this bill.

With the exception of sections 10 and 11, Substitute Senate Bill No. 5632 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 20, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 5670, entitled:

"AN ACT Relating to screening and treatment of children for mental health services."

I am pleased with the efforts this year to organize an effective mental health system for children. The legislators involved have successfully passed thoughtful legislation which will improve the lives of children in our state.

Section 4 of this bill conflicts with section 13 of Engrossed Substitute House Bill No. 1608, in that it also requires a legislative report with plans for folding the Early Periodic Screening, Diagnosis and Treatment program into the children's mental health system. Engrossed Substitute House Bill No. 1608 also contains language requiring an inventory of all children's mental health programs as well as proposals for reducing categorical barriers to serving children. These requirements will produce valuable products.

For that reason, I will sign that provision into law and have vetoed section 4 of this bill. In doing so, I have directed the Office of Financial Management and the Department of Social and Health Services staff to develop a report that responds to the requirements in both bills.

With the exception of section 4, Substitute Senate Bill No. 5670 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 3, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

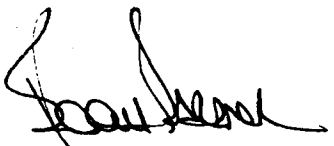
I am returning herewith, without my approval as to sections 3 and 4, Senate Bill No. 5722 entitled:

"AN ACT relating to interest rates for the department of natural resources."

Developing a uniform interest rate policy for the Department of Natural Resources is an important goal which will improve agency administration and accounting. Sections 3 and 4 of this bill, however, amend existing law so that the Board of Natural Resources rather than the State Treasurer will determine the appropriate interest rate for loans between the landowner contingency forest fire suppression account and the general fund. While the Board of Natural Resources should have the ability to set interest rates for trustland management funds, this power should not be extended to situations which affect the General Fund. For this reason, I have vetoed sections 3 and 4 of the bill.

With the exception of sections 3 and 4, Senate Bill No. 5722 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 17, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute Senate Bill No. 5873 entitled:

"AN ACT Relating to insurance coverage for retired and disabled school district employees."

Section 2 of this bill requires the Health Care Authority to conduct a study of considerable importance to retirees of the public school system and public policy makers. However, the bill does not provide that agency with either additional staff or adequate funds to support such an effort. The Fiscal Note reveals estimated costs of at least $140,000.00 for the study. Funds for the agency to do the study do not appear in the operating budgets proposed by either the House or the Senate during the Regular Session and I cannot sign into law a requirement that would put the Health Care Authority at such risk.

I believe that a study of this nature should be undertaken, but not in the manner proposed. At the very least it should address the question of costs and access to health care benefits by the retirees of all public agencies, not just those in the public school system. The costs and needs of the respective public agencies must also be considered. It is unlikely that the comprehensive study that I believe to be necessary could be completed in only a four- to six- month time frame. The public policy issues are too important and the welfare of far too many individuals is at risk for this task to be addressed too hurriedly or on a piecemeal basis.

For the reasons stated, I have vetoed section 2 of Substitute Senate Bill No. 5873.

With the exception of section 2, Substitute Senate Bill No. 5873 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

July 1, 1991

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

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

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

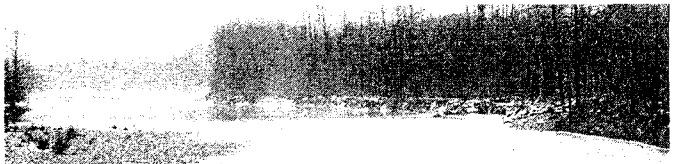
In the 1991 Regular Legislative Session, the Legislature passed House Bill No. 1960, which I signed on May 21st. House Bill No. 1960 contained an emergency clause and a null and void clause tying the effectiveness of the bill to a specific proviso in the 1991-93 appropriation act. Engrossed Substitute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

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

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

Respectfully submitted,

Booth Gardner
Governor



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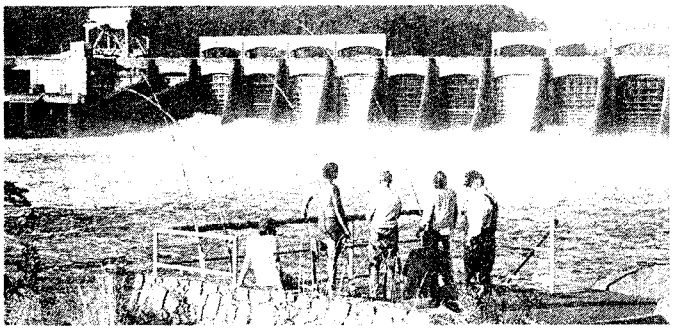

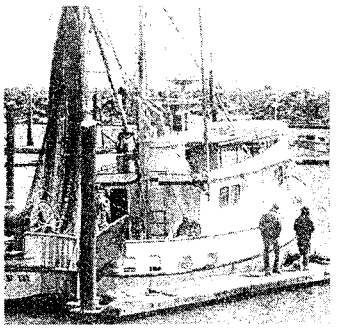

Photos: Fishing in the Nisqually River; top right, Skykomish River near Sultan; middle right, Bonneville Dam; bottom right, Ilwaco.

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PV: Partial Veto; E1: First Special Session; E2: Second Special Session

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ESHB 1389	Aquatic plant regulation	C 302 L 91	PV
HB 1400	Rural health care projects	C 224 L 91	
SHB 1401	Taxpayers' rights/responsblt	C 142 L 91	
SHB 1416	Game fish mitigation	C 253 L 91	
ESHB 1426	WSU research/extension prgms	C 341 L 91	
ESHB 1427	Capital budget	C 14 L 91	E1 PV
EHB 1428	Budget request requirements	C 284 L 91	
ESHB 1430	General obligatn/revenu bnds	C 31 L 91	E1
HB 1431	Model Traffic Ordinance	C 118 L 91	
ESHB 1440	Mobile home regulations	C 327 L 91	
EHB 1450	Safety testing lab tax credt	C 13 L 91	
SHB 1452	High-speed ground trans cmte	C 231 L 91	
SHB 1454	Underground storage tank law	C 83 L 91	
HB 1458	Limosine charter carriers	C 99 L 91	
SHB 1460	Drainage district alternatvs	C 28 L 91	
HB 1467	District court judges	C 354 L 91	
HB 1470	Public works projects apprps	C 97 L 91	
HB 1480	Reciprocal insurers	C 266 L 91	
HB 1487	Check cashers and sellers	C 355 L 91	
HB 1489	Common carrier privacy	C 312 L 91	
SHB 1496	Real estate broker licenses	C 277 L 91	
EHB 1500	Jail labor pay increase	C 183 L 91	
ESHB 1510	Guardianship provisions	C 289 L 91	
SHB 1511	Domestic violence victims	C 1 L 91	
SHB 1525	Educ employees travel expens	Vetoed	
HB 1527	Medical continuing education	C 195 L 91	
ESHB 1534	Sexual assault investigation	C 267 L 91	
HB 1536	Hospice services extension	C 119 L 91	
HB 1558	State patrol compens survey	C 196 L 91	
ESHB 1571	Election returns recount	C 90 L 91	
EHB 1572	Salmon for consumption label	C 232 L 91	
HB 1581	Utilities operation regulatn	C 101 L 91	
SHB 1586	Continuing care retirmnt com	C 158 L 91	
HB 1607	Delinquent service charges	C 36 L 91	
ESHB 1608	Children's services	C 326 L 91	PV
ESHB 1624	Housing trust fund provisns	C 356 L 91	
HB 1625	Agricultural employer report	C 31 L 91	
SHB 1629	Chiropractic practice	C 320 L 91	
SHB 1635	Emergency medical services	C 175 L 91	
HB 1642	Senior citizen tax relief	C 219 L 91	
SHB 1649	Water discharge fees	C 307 L 91	
2SHB 1671	Promoting growth strategies	C 202 L 91	PV
HB 1675	Civil docket prioritization	C 197 L 91	
ESHB 1677	High capacity transportation	C 309 L 91	

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ESHB 1686	Inmate incentive program	C 256 L 91	
SHB 1702	Beef commission composition	C 9 L 91	
SHB 1704	Motor vehicle fuel tax	C 339 L 91	PV
SHB 1709	Water system operating permt	C 304 L 91	
SHB 1710	Water system operator licens	C 305 L 91	
SHB 1712	Athlete agent registration	C 236 L 91	
HB 1716	County recording procedures	C 26 L 91	
SHB 1721	Judicial retirement system	C 159 L 91	
EHB 1723	Excellence in higher ed fund	C 98 L 91	
ESHB 1727	Interpreters/legal procdings	C 171 L 91	
ESHB 1729	Juror list expansion	C 242 L 91	
SHB 1739	Prop tax exemp/homeless hous	C 198 L 91	
EHB 1740	Public housing authorities	C 167 L 91	
SHB 1743	High-interest consumer loans	C 208 L 91	
HB 1748	Small business export asstnc	C 177 L 91	
HB 1757	Driving under influence/drug	C 290 L 91	
SHB 1771	Transportation facilities	C 124 L 91	
ESHB 1777	New prison construction	C 130 L 91	
ESHB 1780	Criminal offender work crews	C 181 L 91	
SHB 1782	County court commissioners	C 300 L 91	
SHB 1789	Prescriptions/out-of-state	C 30 L 91	
SHB 1800	International relations offc	C 24 L 91	PV
HB 1812	Woodland stewardship assistn	C 27 L 91	
ESHB 1813	Teacher training/recruitment	C285 L 91	
HB 1818	Convention and trade center	C 2 L 91	
SHB 1821	Fire protection sprinklr sys	Vetoed	
ESHB 1824	District court jurisdiction	C 33 L 91	
SHB 1828	Health care records disclosr	C 335 L 91	
SHB 1830	Child's statement admissblty	C 169 L 91	
ESHB 1831	Ownership interest transfer	C 22 L 91	E1
SHB 1852	Fire services fund/fireworks	C 135 L 91	
HB 1853	Nonprofit corp filing fees	C 223 L 91	
ESHB 1856	Weights & measures statutes	C 23 L 91	E1
SHB 1858	Employee check cashing/city	C 185 L 91	
SHB 1861	Osteopathic medicine/surgery	C 160 L 91	
ESHB 1864	Sand and gravel removal	C 337 L 91	
ESHB 1877	Olympic naturl resources ctr	C 316 L 91	
HB 1878	Dealers' plates requirements	C 140 L 91	
ESHB 1881	District court judges	C 313 L 91	PV
EHB 1883	Gasohol	C 145 L 91	PV
ESHB 1884	Domestic violence programs	C 301 L 91	
SHB 1885	Teachers recruiting teachers	C 252 L 91	
SHB 1886	Vehicular crimes/drug evaltn	C 348 L 91	PV
EHB 1890	Nursing home regulation	C 8 L 91	E1
HB 1891	Basic health plan/med asstnc	C 4 L 91	E1
ESHB 1907	Local gov self-insurance	C 30 L 91	
SHB 1909	Insurance company capital	C 5 L 91	E1

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HB 1910	Medicare supplemental insur	C 120 L 91	
SHB 1911	Massage practitioners licens	C 182 L 91	
SHB 1915	Mental health programs/emply	C 29 L 91	
SHB 1919	Vehicle insur/safety course	C 217 L 91	
SHB 1931	Nonprofit raffle limits	C 161 L 91	
SHB 1936	Undergraduate admissions	C 209 L 91	
ESHB 1938	Enhanced 911	C 54 L 91	
ESHB 1938	State-wide 911 network	C 329 L 91	
HB 1946	Erwin O. Rieger Memorial Hwy	C 78 L 91	
SHB 1954	Agricultural nuisances	C 317 L 91	PV
HB 1955	Misbranded/adulterated food	C 162 L 91	
SHB 1956	Plant protection	C 257 L 91	
SHB 1957	Food processing plant liscng	C 137 L 91	
SHB 1958	Livestock brands requiremnts	C 110 L 91	
ESHB 1960	Health professions practice	C 332 L 91	PV
SHB 1971	Alien insurers regulation	C 268 L 91	
HB 1986	Dev disabled rights protectn	C 333 L 91	
HB 1991	Vehicle size/weight rstrctns	C 143 L 91	
HB 1992	Right of way acquisitions	C 291 L 91	
SHB 1993	Stadiums/convention centers	C 357 L 91	
HB 1995	Nonpowered vehicle equipment	C 163 L 91	
SHB 1997	Sex offender registration	C 274 L 91	
SHB 2005	Freight brokers/forwarders	C 146 L 91	
HB 2021	Water resource policy commtt	C 273 L 91	
ESHB 2026	Water resources management	C 347 L 91	PV
ESHB 2027	Student tuition refund	C 164 L 91	
HB 2037	Radiologic technologists	C 222 L 91	
SHB 2042	Earnest money forfeiture	C 210 L 91	
SHB 2044	Transportation imprvmnt brd	C 308 L 91	
SHB 2048	Older physicians license fee	C 229 L 91	
SHB 2050	County ferries subsidy	C 310 L 91	
SHB 2056	Vital statistics regulation	C 96 L 91	
HB 2057	Public facilities districts	C 207 L 91	
ESHB 2058	Stat of limtatns/sex abuse	C 212 L 91	
HB 2059	Low-income energy assistance	C 165 L 91	
SHB 2069	Unemployment insur charges	C 129 L 91	
ESHB 2071	Medical disciplinary board	C 215 L 91	
HB 2073	Controlled substance sale	C 32 L 91	
HB 2082	District court judges	C 361 L 91	PV
EHB 2093	Lodging excise tax uses	C 336 L 91	
ESHB 2095	Veteran and family counselng	C 55 L 91	
ESHB 2100	Nursing homes/ethnic minorit	C 271 L 91	
HB 2106	Shelters/state surplus propr	C 216 L 91	
SHB 2132	Insurance salesperson/B&O tx	C 275 L 91	
ESHB 2137	Carbonated beverage tax	C 80 L 91	
SHB 2140	Transportation agencies plan	C 358 L 91	
EHB 2141	State oral history program	C 237 L 91	

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HB 2142	Accumulated service credit	C 282 L 91	
HB 2147	Lottery activity restrictns	C 359 L 91	
ESHB 2151	High capacity transportation	C 318 L 91	
HB 2163	Assault on law officer/agent	C 211 L 91	
SHB 2187	Nonprofit orgs tax exemptns	C 51 L 91	
HB 2198	Joint center/higher educatn	C 205 L 91	
HB 2214	Muni criminal justice accnt	C 26 L 91	E1 PV
EHB 2231	Fire sprinkler contractors	C 6 L 91	E1
EHB 2235	Hunting and fishing fees	C 7 L 91	E1
HB 2237	Medicaid financing	C 9 L 91	E1
HB 2242	Property tax/homes for aging	C 24 L 91	E1

SENATE BILLS

SSB 5003	Adult family homes/license	C 40 L 91	
SB 5004	Public records as evidence	C 59 L 91	
SSB 5008	Pac NW economic region	C 251 L 91	
SSB 5010	Occptl thrpy/lmtd cslty prgm	C 233 L 91	
SB 5015	Landowner liability/vlnteers	C 69 L 91	
2SSB 5022	Excellence in education prgm	C 255 L 91	
SB 5023	Frivolous actions/expenses	C 70 L 91	
E2SSB 5025	Youth and family services	C 364 L 91	PV
SSB 5027	Small claims limit raised	C 71 L 91	
SSB 5030	Unauthrzd reprdctn/recording	C 38 L 91	
SB 5036	Livestock market net worth	C 17 L 91	
SB 5041	Motorcycle audio headset use	C 95 L 91	
SB 5042	Efficiency/accountablty comm	C 53 L 91	
SB 5043	Fax filing of election docs	C 186 L 91	
SSB 5045	Drinking water quality	C 134 L 91	
SB 5047	Designating a state tartan	C 62 L 91	
SB 5049	Abandoned junk vehicles	C 292 L 91	
SSB 5052	Collection of public debts	Vetoed	
SB 5053	Juvenile driving privileges	C 260 L 91	
SB 5075	Washington condominium act	Vetoed	
SB 5077	Security interests recording	C 188 L 91	
SSB 5082	Salmon fishing guides	C 362 L 91	PV
2SSB 5083	Salmon hatcheries	Vetoed	
SSB 5090	Foster family home licenses	C 14 L 91	
E2SSB 5096	Agriculture/adverse impacts	C 280 L 91	
SB 5103	Engineer registration	C 19 L 91	
SB 5104	Pilot examinations revision	Vetoed	
SSB 5106	Transportation budget	C 22 L 91	
SB 5107	Corporations	C 72 L 91	
SSB 5108	Prizes/promotional advertsng	C 227 L 91	
SSB 5110	Senior citizen/tax exemptns	C 203 L 91	
SB 5111	Victims compensation account	C 133 L 91	
ESSB 5114	Student transportation safty	C 166 L 91	

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E2SSB 5120	Child support guidelines	C 367 L 91	PV
2SSB 5124	Private security guards	C 334 L 91	
2SSB 5127	Foster care citzn rev boards	C 127 L 91	
SSB 5128	Witnes notifctn/drug offndrs	C 147 L 91	
SB 5141	County commissioner boards	C 344 L 91	
2SSB 5143	Recycled products procuremnt	C 297 L 91	
SB 5147	Dispute resolution protction	C 321 L 91	
SB 5148	Limited partnerships	C 269 L 91	PV
ESSB 5149	Gifts/public office funds	C 18 L 91	E1 PV
ESSB 5156	Candidate residency reqrmnts	C 178 L 91	
2SSB 5167	Juvenile justice act	C 234 L 91	
SB 5170	District judge numbers	C 338 L 91	PV
ESSB 5184	Work force training/eduction	C 238 L 91	
SB 5190	School directors' associatn	C 66 L 91	
SSB 5204	Practical nurse licensure	C 84 L 91	
SB 5219	Baggage loss/damage liabilty	C 21 L 91	
SB 5220	Railroad crossing inspection	C 46 L 91	
SB 5221	Motor carriers contracts	C 41 L 91	
SB 5231	Real estate continuing educ	C 225 L 91	
ESSB 5245	State energy policy develpmt	C 201 L 91	
ESSB 5256	Franchise investment protect	C 226 L 91	PV
SSB 5260	Nonmunicipal water systems	C 100 L 91	
SSB 5261	Fire equipment in schools	C 170 L 91	
SB 5264	Community/urban forestry prg	C 179 L 91	
SSB 5266	Suspended driver penalties	C 293 L 91	
SSB 5276	Impounded vehicle dispositn	C 20 L 91	
SSB 5288	American Vets Memorial Hwy	C 56 L 91	
SB 5290	Valid driver's license	C 73 L 91	
SSB 5295	Truck identification	C 241 L 91	
SSB 5301	Pac ocean communt publ faclt	C 331 L 91	
ESB 5311	Bare-boat charter boats	C 45 L 91	
SSB 5322	Building codes emerg exmptns	C 139 L 91	
SSB 5332	Residential care/disabled	C 204 L 91	
2SSB 5341	Foster parent liability ins	C 283 L 91	
SSB 5357	Individuals or water purvyrs	C 18 L 91	
2SSB 5358	Water system interties	C 350 L 91	
SSB 5359	Out-of-state teacher retirmt	C 278 L 91	
ESSB 5363	Legal financial obligations	C 93 L 91	
SB 5367	Recovered materials transprt	C 148 L 91	
SSB 5374	Labor-managmnt cooperation	C 172 L 91	
SSB 5381	Veterinarians/legend drugs	C 47 L 91	
SSB 5383	Prevailing wage administratn	C 15 L 91	
SB 5391	Emergency adjudications/UTC	C 48 L 91	
E2SSB 5395	Biennial budget 1989-91	C 2 L 91	E1
ESSB 5411	Flood damage alleviation	C 322 L 91	PV
SSB 5418	Criminal justice work group	C 351 L 91	
SB 5434	Railroad regulatory authrty	C 49 L 91	

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SB 5441	Bookmaking	C 261 L 91	
SB 5442	Motorcycle instruct permits	Vetoed	
SB 5444	Check signature alterations	C 19 L 91	E1
SB 5449	Discharged eductnl employees	C 102 L 91	
SSB 5450	Beer pasteurization	C 42 L 91	
SSB 5456	Community college tenure	C 294 L 91	
SSB 5466	Pharmacists liability limit	C 189 L 91	
SB 5473	Tort claims revolving fund	C 187 L 91	
SB 5474	Children data collection sys	C 235 L 91	PV
SB 5475	Honorary degrees	C 228 L 91	PV
ESB 5476	Milk marketing	C 239 L 91	
SB 5477	Women's Air Forc/merch marin	C 240 L 91	
SSB 5478	Curbside recycling	C 298 L 91	
ESSB 5494	Collection of debts	C 168 L 91	
SSB 5497	Construction lien right	C 281 L 91	
SSB 5501	Commercial salmon lic trnsfr	C 144 L 91	
SSB 5504	Student teaching centers	C 258 L 91	
SB 5512	Sewer connection approval	C 190 L 91	
SSB 5518	Pay-per-call services regula	C 191 L 91	
SSB 5520	Wine shipment permits	C 149 L 91	
SB 5528	Local literacy programs	C 91 L 91	
SSB 5536	Hearing impaired telecom ser	C 121 L 91	
ESSB 5555	Timber areas assistance	C 315 L 91	
SB 5558	Child labor regulations	C 303 L 91	PV
SB 5560	Liquor control board duties	Vetoed	E1
2SSB 5568	Hunger/nutritional problems	C 366 L 91	PV
SSB 5577	Board of medical examiners	C 44 L 91	
SSB 5583	Child care facility fund	C 248 L 91	
SB 5585	Liquor sales in motels	Vetoed	
SB 5586	State militia provisions	C 43 L 91	
2SSB 5591	Comprehensive recycling prgm	C 319 L 91	PV
SSB 5611	Rental vehicles sales tax	C 244 L 91	
SSB 5612	Natural resources cons areas	C 352 L 91	
SSB 5613	Pawnbrokers/second-hand dlrs	C 323 L 91	
ESSB 5624	Food fish resource protectn	C 279 L 91	
SSB 5626	Hardwood commission	C 67 L 91	
SSB 5628	Handlers crop liens	C 286 L 91	
ESSB 5629	Animal facilties/illegl acts	C 325 L 91	
SB 5630	Permits and licenses	C 50 L 91	
SSB 5632	Ocularist apprenticeship	C 180 L 91	PV
SSB 5645	Low-level waste handlers	C 39 L 91	
SB 5651	Little Spokane river	C 206 L 91	
2SSB 5667	Evaluation/treatment access	C 262 L 91	
SSB 5669	Housing trust fund priorties	C 295 L 91	
SSB 5670	Children's mental health	C 306 L 91	PV
ESSB 5672	Antipsychotic medications	C 105 L 91	
SB 5678	Wash national guard day	C 57 L 91	

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SB 5684	Nonresident pharmacy lcsnsng	C	87 L 91	
SSB 5713	Agriculture dept licenses	C	109 L 91	
SB 5718	Purple heart recpient day	C	20 L 91	E1
SSB 5720	Motorist information signs	C	94 L 91	
SB 5722	Nat resources interest rates	C	64 L 91	PV
ESB 5745	Special amusement games licn	C	287 L 91	
ESSB 5756	Low-level waste site rates	C	272 L 91	
SSB 5762	Water company safety imprvmt	C	150 L 91	
SB 5766	At-risk youth academic excel	C	346 L 91	
SB 5767	PUD borrowing and credit	C	74 L 91	
ESSB 5770	Elec conservation/generation	C	122 L 91	
SSB 5776	Alcoholic beverage control	C	192 L 91	
SB 5778	Pesticide damage reports	C	263 L 91	
SB 5779	Deaf/blind schools approprtn	C	65 L 91	
ESSB 5790	Auto liability insurance	C	25 L 91	E1
SSB 5796	Nursing assistant licensure	C	16 L 91	
ESB 5801	State highway routes	C	342 L 91	
SSB 5806	Underground storage tanks	C	4 L 91	
SB 5821	Air pollution control author	C	125 L 91	
ESB 5824	Comm college summer courses	C	353 L 91	
ESSB 5825	Offender firearm possession	C	221 L 91	
2SSB 5830	Gang risk intervention prgms	C	296 L 91	
SB 5834	Archiving methods	C	184 L 91	
SSB 5835	Ski lift signs	C	75 L 91	
ESSB 5837	Workers comp/employment comp	C	246 L 91	
SSB 5873	Insurance/retired sch emplys	C	254 L 91	PV
2SSB 5882	Criminal property forfeiture	C	345 L 91	
ESB 5906	Domestic violence victims	C	23 L 91	
SSB 5916	Foster care grievance procss	C	340 L 91	
SSB 5928	Military residence taxes	C	52 L 91	
ESB 5959	Public assistance eligibilty	C	10 L 91	E1
ESB 5960	1989-91 capital budget	C	3 L 91	E1
SB 5982	Free/reduced meal funding	C	37 L 91	
ESB 5985	Higher ed health care traing	C	27 L 91	E1 PV
SB 5988	Library improvement levies	C	17 L 91	E1
ESSB 5996	Child support guidelines	C	28 l 91	E1
SB 5997	Double amendments corrected	C	11 L 91	E1
ESB 5998	LEOFF/surviving spouse	C	12 L 91	E1
ESB 6913	Criminal justice financing	C	1 L 90	E2

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C	2 L 91		Convention and trade center ..... HB 1818
C	3 L 91		Health dept referenc revisns ..... HB 1115
C	4 L 91		Underground storage tanks .....SSB 5806
C	5 L 91		Creditor notice/deceasd prsn ..... HB 1060
C	6 L 91		Fiduciary power/divde trusts ..... SHB 1062
C	7 L 91		Interest disclaimed/dispostn ..... HB 1063
C	8 L 91		Irrigation districts ..... HB 1195
C	9 L 91		Beef commission composition ..... SHB 1702
C	10 L 91		Sanitary landfill reconvynce ..... HB 1267
C	11 L 91		Recycling in state parks ..... SHB 1304
C	12 L 91		Physical therapists ..... SHB 1200
C	13 L 91		Safety testing lab tax credt ..... EHB 1450
C	14 L 91		Foster family home licenses .....SSB 5090
C	15 L 91		Prevailing wage administratn .....SSB 5383
C	16 L 91		Nursing assistant licensure .....SSB 5796
C	17 L 91		Livestock market net worth .....SB 5036
C	18 L 91		Individuals or water purvyrs .....SSB 5357
C	19 L 91		Engineer registration .....SB 5103
C	20 L 91		Impounded vehicle dispositn .....SSB 5276
C	21 L 91		Baggage loss/damage liabilty .....SB 5219
C	22 L 91		Transportation budget .....SSB 5106
C	23 L 91		Domestic violence victims ..... ESB 5906
C	24 L 91	PV	International relations offc ..... SHB 1800
C	25 L 91		Military leave/public emplys ..... HB 1364
C	26 L 91		County recording procedures ..... HB 1716
C	27 L 91		Woodland stewardship assistn ..... HB 1812
C	28 L 91		Drainage district alternatvs ..... SHB 1460
C	29 L 91		Mental health programs/emply ..... SHB 191
C	30 L 91		Prescriptions/out-of-state ..... SHB 1789
C	31 L 91		Agricultural employer report ..... HB 1625
C	32 L 91		Controlled substance sale ..... HB 2073
C	33 L 91		District court jurisdiction ..... ESHB 1824
C	34 L 91		Industrl insurnce payments ..... EHB 1244
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C	36 L 91		Delinquent service charges ..... HB 1607
C	37 L 91		Free/reduced meal funding .....SB 5982
C	38 L 91		Unauthrzd reprdctn/recording .....SSB 5030
C	39 L 91		Low-level waste handlers .....SSB 5645
C	40 L 91		Adult family homes/license .....SSB 5003
C	41 L 91		Motor carriers contracts .....SB 5221
C	42 L 91		Beer pasteurization .....SSB 5450
C	43 L 91		State militia provisions .....SB 5586
C	44 L 91		Board of medical examiners .....SSB 5577
C	45 L 91		Bare-boat charter boats ..... ESB 5311

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C	46 L 91		Railroad crossing inspection ..... SB 5220
C	47 L 91		Veterinarians/legend drugs ..... SSB 5381
C	48 L 91		Emergency adjudications/UTC ..... SB 5391
C	49 L 91		Railroad regulatory authrty ..... SB 5434
C	50 L 91		Permits and licenses ..... SB 5630
C	51 L 91		Nonprofit orgs tax exemptns ..... SHB 2187
C	52 L 91		Military residence taxes ..... SSB 5928
C	53 L 91		Efficiency/accountablty comm ..... SB 5042
C	54 L 91		Enhanced 911 ..... ESHB 1938
C	55 L 91		Veteran and family counselng ..... ESHB 2095
C	56 L 91		American Vets Memorial Hwy ..... SSB 5288
C	57 L 91		Wash national guard day ..... SB 5678
C	58 L 91		Honorary degrees ..... HB 1143
C	59 L 91		Public records as evidence ..... SB 5004
C	60 L 91		School board vacancies ..... HB 1176
C	61 L 91		School board responsibilties ..... EHB 1177
C	62 L 91		Designating a state tartan ..... SB 5047
C	63 L 91		Lieutenant governor security ..... HB 1057
C	64 L 91	PV	Nat resources interest rates ..... SB 5722
C	65 L 91		Deaf/blind schools approprtn ..... SB 5779
C	66 L 91		School directors' associatn ..... SB 5190
C	67 L 91		Hardwood commission ..... SSB 5626
C	68 L 91		Over-the-counter meds labels ..... SHB 1008
C	69 L 91		Landowner liability/vlnteers ..... SB 5015
C	70 L 91		Frivolous actions/expenses ..... SB 5023
C	71 L 91		Small claims limit raised ..... SSB 5027
C	72 L 91		Corporations ..... SB 5107
C	73 L 91		Valid driver's license ..... SB 5290
C	74 L 91		PUD borrowing and credit ..... SB 5767
C	75 L 91		Ski lift signs ..... SSB 5835
C	76 L 91		Geothermal account ..... EHB 1277
C	77 L 91		Interstate parole & probatn ..... HB 1372
C	78 L 91		Erwin O. Rieger Memorial Hwy ..... HB 1946
C	79 L 91		Information disclosure ..... SHB 1082
C	80 L 91		Carbonated beverage tax ..... ESHB 2137
C	81 L 91		Election provisions changes ..... HB 1072
C	82 L 91		Water/sewer districts ..... ESHB 1031
C	83 L 91		Underground storage tank law ..... SHB 1454
C	84 L 91		Practical nurse licensure ..... SSB 5204
C	85 L 91		State government receivables ..... EHB 1228
C	86 L 91		Scoliosis screening program ..... HB 1377
C	87 L 91		Nonresident pharmacy lcsnsng ..... SB 5684
C	88 L 91		Industrial insurance paymnts ..... HB 1206
C	89 L 91		L&I confidential information ..... EHB 1352
C	90 L 91		Election returns recount ..... ESHB 1571
C	91 L 91		Local literacy programs ..... SB 5528
C	92 L 91		Unused sick leave/ed emplyes ..... SHB 1358

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C 94 L 91		Motorist information signs	SSB 5720
C 95 L 91		Motorcycle audio headset use	SB 5041
C 96 L 91		Vital statistics regulation	SHB 2056
C 97 L 91		Public works projects apprps	HB 1470
C 98 L 91		Excellence in higher ed fund	EHB 1723
C 99 L 91		Limosine charter carriers	HB 1458
C 100 L 91		Nonmunicipal water systems	SSB 5260
C 101 L 91		Utilities operation regulatn	HB 1581
C 102 L 91		Discharged eductnl employees	SB 5449
C 103 L 91		Vendor billing period	HB 1125
C 104 L 91		Probation assessment provsns	HB 1371
C 105 L 91		Antipsychotic medications	ESSB 5672
C 106 L 91		Precinct election officers	EHB 1071
C 107 L 91		Environmental interpretation	SHB 1112
C 108 L 91		Indust safety/health violtns	HB 1355
C 109 L 91		Agriculture dept licenses	SSB 5713
C 110 L 91		Livestock brands requiremnts	SHB 1958
C 111 L 91		Abuse reporting provisions	SHB 1054
C 112 L 91		Persnl prprty exmpt/judgmnt	SHB 1059
C 113 L 91		Bus length restrictions	EHB 1118
C 114 L 91		School district indebtedness	HB 1224
C 115 L 91		Citizenshp requrmnt/teachers	HB 1263
C 116 L 91		Education code changes	HB 1264
C 117 L 91		Unemployment compensation	HB 1339
C 118 L 91		Model Traffic Ordinance	HB 1431
C 119 L 91		Hospice services extension	HB 1536
C 120 L 91		Medicare supplemental insur	HB 1910
C 121 L 91		Hearing impaired telecom ser	SSB 5536
C 122 L 91		Elec conservation/generation	ESSB 5770
C 123 L 91		Exempt property/execution	ESHB 1105
C 124 L 91		Transportation facilities	SHB 1771
C 125 L 91		Air pollution control author	SB 5821
C 126 L 91	PV	Public assistance provisions	SHB 1052
C 127 L 91		Foster care citzn rev boards	2SSB 5127
C 128 L 91	PV	Student exchange organizatns	SHB 1051
C 129 L 91		Unemployment insur charges	SHB 2069
C 130 L 91		New prison construction	ESHB 1777
C 131 L 91		Forest fire suppresson cmpct	SHB 1208
C 132 L 91		Dedications/subdivisions	SHB 1265
C 133 L 91		Victims compensation account	SB 5111
C 134 L 91		Drinking water quality	SSB 5045
C 135 L 91		Fire services fund/fireworks	SHB 1852
C 136 L 91		Adoption provisions revisns	ESHB 1287
C 137 L 91		Food processing plant liscng	SHB 1957
C 138 L 91		Emerg med serv dist excs lev	SHB 1050
C 139 L 91		Building codes emerg exmptns	SSB 5322

PV: Partial Veto; E1: First Special Session; E2: Second Special Session

C 140 L 91		Dealers' plates requirements	HB 1878
C 141 L 91		Street utilities	SHB 1274
C 142 L 91		Taxpayers' rights/responsblt	SHB 1401
C 143 L 91		Vehicle size/weight rstrctns	HB 1991
C 144 L 91		Commercial salmon lic trnsfr	SSB 5501
C 145 L 91	PV	Gasohol	EHB 1883
C 146 L 91		Freight brokers/forwarders	SHB 2005
C 147 L 91		Witnes notifctn/drug offndrs	SSB 5128
C 148 L 91		Recovered materials transprt	SB 5367
C 149 L 91		Wine shipment permits	SSB 5520
C 150 L 91		Water company safety imprvmt	SSB 5762
C 151 L 91		Aquifer depletion fees	SHB 1019
C 152 L 91		Municipl utilities/admn cost	HB 1040
C 153 L 91		Uniform foreign-money claims	HB 1091
C 154 L 91		Smoke detection devices	EHB 1096
C 155 L 91		Continuing education credit	EHB 1139
C 156 L 91		Center environ/molecular sci	SHB 1196
C 157 L 91		Campaign contribution reprts	HB 1312
C 158 L 91		Continuing care retirmnt com	SHB 1586
C 159 L 91		Judicial retirement system	SHB 1721
C 160 L 91		Osteopathic medicine/surgery	SHB 1861
C 161 L 91		Nonprofit raffle limits	SHB 1931
C 162 L 91		Misbranded/adulterated food	HB 1955
C 163 L 91		Nonpowered vehicle equipment	HB 1995
C 164 L 91		Student tuition refund	ESHB 2027
C 165 L 91		Low-income energy assistance	HB 2059
C 166 L 91		Student transportation safty	ESSB 5114
C 167 L 91		Public housing authorities	EHB 1740
C 168 L 91		Collection of debts	ESSB 5494
C 169 L 91		Child's statement admissblty	SHB 1830
C 170 L 91		Fire equipment in schools	SSB 5261
C 171 L 91		Interpreters/legal procdings	ESHB 1727
C 172 L 91		Labor-managmnt cooperation	SSB 5374
C 173 L 91		Motor vehicle fuel/local tax	SHB 1342
C 174 L 91		Processor/preparer liens	SHB 1142
C 175 L 91		Emergency medical services	SHB 1635
C 176 L 91		Human remains/county transpn	HB 1032
C 177 L 91		Small business export asstnc	HB 1748
C 178 L 91		Candidate residency reqrmnts	ESSB 5156
C 179 L 91		Community/urban forestry prg	SB 5264
C 180 L 91	PV	Ocularist apprenticeship	SSB 5632
C 181 L 91		Criminal offender work crews	ESHB 1780
C 182 L 91		Massage practitioners licens	SHB 1911
C 183 L 91		Jail labor pay increase	EHB 1500
C 184 L 91		Archiving methods	SB 5834
C 185 L 91		Employee check cashing/city	SHB 1858
C 186 L 91		Fax filing of election docs	SB 5043

PV: Partial Veto; E1: First Special Session; E2: Second Special Session

C 187 L 91		Tort claims revolving fund	SB 5473
C 188 L 91		Security interests recording	SB 5077
C 189 L 91		Pharmacists liability limit	SSB 5466
C 190 L 91		Sewer connection approval	SB 5512
C 191 L 91		Pay-per-call services regula	SSB 5518
C 192 L 91		Alcoholic beverage control	SSB 5776
C 193 L 91		Uniform transfers to minors	ESHB 1088
C 194 L 91		Prospective residntl tenants	SHB 1336
C 195 L 91		Medical continuing education	HB 1527
C 196 L 91		State patrol compens survey	HB 1558
C 197 L 91		Civil docket prioritization	HB 1675
C 198 L 91		Prop tax exemp/homeless hous	SHB 1739
C 199 L 91	PV	Changes in air quality laws	ESHB 1028
C 200 L 91	PV	Hazardous substance spills	ESHB 1027
C 201 L 91		State energy policy develpmt	ESSB 5245
C 202 L 91	PV	Promoting growth strategies	2SHB 1671
C 203 L 91		Senior citizen/tax exemptns	SSB 5110
C 204 L 91		Residential care/disabled	SSB 5332
C 205 L 91		Joint center/higher educatn	HB 2198
C 206 L 91		Little Spokane river	SB 5651
C 207 L 91		Public facilities districts	HB 2057
C 208 L 91		High-interest consumer loans	SHB 1743
C 209 L 91		Undergraduate admissions	SHB 1936
C 210 L 91		Earnest money forfeiture	SHB 2042
C 211 L 91		Assault on law officer/agent	HB 2163
C 212 L 91		Stat of limtatns/sex abuse	ESHB 2058
C 213 L 91		Senior citizens tax exemptns	HB 1299
C 214 L 91		Bicycle safety program	ESHB 1081
C 215 L 91		Medical disciplinary board	ESHB 2071
C 216 L 91		Shelters/state surplus propr	HB 2106
C 217 L 91		Vehicle insur/safety course	SHB 1919
C 218 L 91		Prop tax administ practices	SHB 1301
C 219 L 91		Senior citizen tax relief	HB 1642
C 220 L 91		Landlord drayage/storage fee	SHB 1326
C 221 L 91		Offender firearm possession	ESSB 5825
C 222 L 91		Radiologic technologists	HB 2037
C 223 L 91		Nonprofit corp filing fees	HB 1853
C 224 L 91		Rural health care projects	HB 1400
C 225 L 91		Real estate continuing educ	SB 5231
C 226 L 91	PV	Franchise investment protect	ESSB 5256
C 227 L 91		Prizes/promotional advertsng	SSB 5108
C 228 L 91	PV	Honorary degrees	SB 5475
C 229 L 91		Older physicians license fee	SHB 2048
C 230 L 91		Student pedestrian safety	ESHB 1172
C 231 L 91		High-speed ground trans cmte	SHB 1452
C 232 L 91		Salmon for consumption label	EHB 1572
C 233 L 91		Occptl thrpy/lmtd cslty prgm	SSB 5010

PV: Partial Veto; E1: First Special Session; E2: Second Special Session

C 234 L 91		Juvenile justice act 2SSB 5167
C 235 L 91	PV	Children data collection sys ..... SB 5474
C 236 L 91		Athlete agent registration ..... SHB 1712
C 237 L 91		State oral history program ..... EHB 2141
C 238 L 91		Work force training/eduction ..... ESSB 5184
C 239 L 91		Milk marketing ..... ESB 5476
C 240 L 91		Women's Air Forc/merch marin ..... SB 5477
C 241 L 91		Truck identification ..... SSB 5295
C 242 L 91		Juror list expansion ..... ESHB 1729
C 243 L 91		LEOFF/drivng record abstract ..... HB 1024
C 244 L 91		Rental vehicles sales tax ..... SSB 5611
C 245 L 91		County treasurers ..... SHB 1316
C 246 L 91		Workers comp/employment comp ..... ESSB 5837
C 247 L 91		Deferred prosecution/costs ..... SHB 1189
C 248 L 91		Child care facility fund ..... SSB 5583
C 249 L 91		Sick leave cash out ..... ESHB 1214
C 250 L 91		Oxygen tax exemption ..... SHB 1317
C 251 L 91		Pac NW economic region ..... SSB 5008
C 252 L 91		Teachers recruiting teachers ..... SHB 1885
C 253 L 91		Game fish mitigation ..... SHB 1416
C 254 L 91	PV	Insurance/retired sch emplys ..... SSB 5873
C 255 L 91		Excellence in education prgm 2SSB 5022
C 256 L 91		Inmate incentive program ..... ESHB 1686
C 257 L 91		Plant protection ..... SHB 1956
C 258 L 91		Student teaching centers ..... SSB 5504
C 259 L 91	PV	Teacher preparation programs ..... SHB 1243
C 260 L 91		Juvenile driving privileges ..... SB 5053
C 261 L 91		Bookmaking ..... SB 5441
C 262 L 91		Evaluation/treatment access 2SSB 5667
C 263 L 91		Pesticide damage reports ..... SB 5778
C 264 L 91		Pest control inspectors ..... EHB 1156
C 265 L 91		Special services demo projts ..... ESHB 1329
C 266 L 91		Reciprocal insurers ..... HB 1480
C 267 L 91		Sexual assault investigation ..... ESHB 1534
C 268 L 91		Alien insurers regulation ..... SHB 1971
C 269 L 91	PV	Limited partnerships ..... SB 5148
C 270 L 91		Horse racing receipts ..... ESHB 1120
C 271 L 91		Nursing homes/ethnic minorit ..... ESHB 2100
C 272 L 91		Low-level waste site rates ..... ESSB 5756
C 273 L 91		Water resource policy commtt ..... HB 2021
C 274 L 91		Sex offender registration ..... SHB 1997
C 275 L 91		Insurance salesperson/B&O tx ..... SHB 2132
C 276 L 91		Tow truck restrictions ..... HB 1262
C 277 L 91		Real estate broker licenses ..... SHB 1496
C 278 L 91		Out-of-state teacher retirmt ..... SSB 5359
C 279 L 91		Food fish resource protectn ..... ESSB 5624
C 280 L 91		Agriculture/adverse impacts E2SSB 5096

PV: Partial Veto; E1: First Special Session; E2: Second Special Session

C 281 L 91		Construction lien right ..... SSB 5497
C 282 L 91		Accumulated service credit ..... HB 2142
C 283 L 91		Foster parent liability ins 2SSB 5341
C 284 L 91		Budget request requirements ..... EHB 1428
C 285 L 91		Teacher training/recruitment ..... ESHB 1813
C 286 L 91		Handlers crop liens ..... SSB 5628
C 287 L 91		Special amusement games licn ..... ESB 5745
C 288 L 91		School dist directors' dists ..... SHB 1222
C 289 L 91		Guardianship provisions ..... ESHB 1510
C 290 L 91		Driving under influence/drug ..... HB 1757
C 291 L 91		Right of way acquisitions ..... HB 1992
C 292 L 91		Abandoned junk vehicles ..... SB 5049
C 293 L 91		Suspended driver penalties ..... SSB 5266
C 294 L 91		Community college tenure ..... SSB 5456
C 295 L 91		Housing trust fund priorties ..... SSB 5669
C 296 L 91		Gang risk intervention prgms 2SSB 5830
C 297 L 91		Recycled products procuremnt 2SSB 5143
C 298 L 91		Curbside recycling ..... SSB 5478
C 299 L 91		Superior court judge positns ..... ESHB 1127
C 300 L 91		County court commissioners ..... SHB 1782
C 301 L 91		Domestic violence programs ..... ESHB 1884
C 302 L 91	PV	Aquatic plant regulation ..... ESHB 1389
C 303 L 91	PV	Child labor regulations ..... SB 5558
C 304 L 91		Water system operating permt ..... SHB 1709
C 305 L 91		Water system operator licens ..... SHB 1710
C 306 L 91	PV	Children's mental health ..... SSB 5670
C 307 L 91		Water discharge fees ..... SHB 1649
C 308 L 91		Transportation imprvmnt brd ..... SHB 2044
C 309 L 91		High capacity transportation ..... ESHB 1677
C 310 L 91		County ferries subsidy ..... SHB 2050
C 311 L 91	PV	Criminal justice purposes ..... SHB 1137
C 312 L 91		Common carrier privacy ..... HB 1489
C 313 L 91	PV	District court judges ..... ESHB 1881
C 314 L 91		Timber-dependent communities ..... ESHB 1341
C 315 L 91		Timber areas assistance ..... ESSB 5555
C 316 L 91		Olympic naturl resources ctr ..... ESHB 1877
C 317 L 91	PV	Agricultural nuisances ..... SHB 1954
C 318 L 91		High capacity transportation ..... ESHB 2151
C 319 L 91	PV	Comprehensive recycling prgm 2SSB 5591
C 320 L 91		Chiropractic practice ..... SHB 1629
C 321 L 91		Dispute resolution protction ..... SB 5147
C 322 L 91	PV	Flood damage alleviation ..... ESSB 5411
C 323 L 91		Pawnbrokers/second-hand dlrs ..... SSB 5613
C 324 L 91	PV	Cosmetology regulations ..... ESHB 1136
C 325 L 91		Animal facilties/illegl acts ..... ESSB 5629
C 326 L 91	PV	Children's services ..... ESHB 1608
C 327 L 91		Mobile home regulations ..... ESHB 1440

PV: Partial Veto; E1: First Special Session; E2: Second Special Session

C 328 L 91		Private detectives licensing	ESHB 1181
C 329 L 91		State-wide 911 network	ESHB 1938
C 330 L 91		Public disclosure/tax info	ESHB 1357
C 331 L 91		Pac ocean communt publ faclt	SSB 5301
C 332 L 91	PV	Health professions practice	ESHB 1960
C 333 L 91		Dev disabled rights protectn	HB 1986
C 334 L 91		Private security guards	2SSB 5124
C 335 L 91		Health care records disclosr	SHB 1828
C 336 L 91		Lodging excise tax uses	EHB 2093
C 337 L 91		Sand and gravel removal	ESHB 1864
C 338 L 91	PV	District judge numbers	SB 5170
C 339 L 91	PV	Motor vehicle fuel tax	SHB 1704
C 340 L 91		Foster care grievance procss	SSB 5916
C 341 L 91		WSU research/extension prgms	ESHB 1426
C 342 L 91		State highway routes	ESB 5801
C 343 L 91		Retirement service credit	SHB 1268
C 344 L 91		County commissioner boards	SB 5141
C 345 L 91		Criminal property forfeiture	2SSB 5882
C 346 L 91		At-risk youth academic excel	SB 5766
C 347 L 91	PV	Water resources management	ESHB 2026
C 348 L 91	PV	Vehicular crimes/drug evaltn	SHB 1886
C 349 L 91		Special districts	SHB 1194
C 350 L 91		Water system interties	2SSB 5358
C 351 L 91		Criminal justice work group	SSB 5418
C 352 L 91		Natural resources cons areas	SSB 5612
C 353 L 91		Comm college summer courses	ESB 5824
C 354 L 91		District court judges	HB 1467
C 355 L 91		Check cashers and sellers	HB 1487
C 356 L 91		Housing trust fund provisns	ESHB 1624
C 357 L 91		Stadiums/convention centers	SHB 1993
C 358 L 91		Transportation agencies plan	SHB 2140
C 359 L 91		Lottery activity restrictns	HB 2147
C 360 L 91	PV	Newly incorporated cities	HB 1013
C 361 L 91	PV	District court judges	HB 2082
C 362 L 91	PV	Salmon fishing guides	SSB 5082
C 363 L 91	PV	County class references	SHB 1201
C 364 L 91	PV	Youth and family services	E2SSB 5025
C 365 L 91		Retirement benefits revision	ESHB 1211
C 366 L 91	PV	Hunger/nutritional problems	2SSB 5568
C 367 L 91	PV	Child support guidelines	E2SSB 5120

FIRST SPECIAL SESSION - 1991

C 2 L 91	E1	Biennial budget 1989-91	E2SSB 5395
C 3 L 91	E1	1989-91 capital budget	ESB 5960
C 4 L 91	E1	Basic health plan/med asstnc	HB 1891

PV: Partial Veto; E1: First Special Session; E2: Second Special Session

C	5	L 91	E1	Insurance company capital	SHB 1909
C	6	L 91	E1	Fire sprinkler contractors	EHB 2231
C	7	L 91	E1	Hunting and fishing fees	EHB 2235
C	8	L 91	E1	Nursing home regulation	EHB 1890
C	9	L 91	E1	Medicaid financing	HB 2237
C	10	L 91	E1	Public assistance eligibilty	ESB 5959
C	11	L 91	E1	Double amendments corrected	SB 5997
C	12	L 91	E1	LEOFF/surviving spouse	ESB 5998
C	13	L 91	E1 PV	Treasurer managd funds/accts	ESHB 1058
C	14	L 91	E1 PV	Capital budget	ESHB 1427
C	15	L 91	E1 PV	1991-93 transportatn budget	ESHB 1231
C	16	L 91	E1 PV	1991-93 biennium approprtns	ESHB 1330
C	17	L 91	E1	Library improvement levies	SB 5988
C	18	L 91	E1 PV	Gifts/public office funds	ESSB 5149
C	19	L 91	E1	Check signature alterations	SB 5444
C	20	L 91	E1	Purple heart recpient day	SB 5718
C	21	L 91	E1	Funds transfers to the UCC	HB 1095
C	22	L 91	E1	Ownership interest transfer	ESHB 1831
C	23	L 91	E1	Weights & measures statutes	ESHB 1856
C	24	L 91	E1	Property tax/homes for aging	HB 2242
C	25	L 91	E1	Auto liability insurance	ESSB 5790
C	26	L 91	E1 PV	Muni criminal justice accnt	HB 2214
C	27	L 91	E1 PV	Higher ed health care traing	ESB 5985
C	28	L 91	E1	Child support guidelines	ESB 5996
C	29	L 91	E1	Computer software taxation	EHB 1376
C	30	L 91	E1	Local gov self-insurance	ESHB 1907
C	31	L 91	E1	General obligatn/revenu bnds	ESHB 1430
C	32	L 91	E1 PV	Growth management strategies	ESHB 1025

SECOND SPECIAL SESSION - 1990

C	1	L 90	E2	Criminal justice financing	ESB 6913

PV: Partial Veto; E1: First Special Session; E2: Second Special Session

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■ 1991 Regular Session of the Fifty-Second Legislature ■

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