

... sitting there. Talking slowly  
... straight. Talk straight on  
... ther. It is not us, it is those of  
... is good for the old people to  
... account of our children, on  
... er till t  
... Walla



# **1993 FINAL LEGISLATIVE REPORT**

**Fifty-Third  
Washington State Legislature  
1993 Regular Session, First Special Session**



# 1993 Final Legislative Report

This issue of the 1993 Final Legislative Report provides a collection of historical photos of Washington's indigenous peoples. On the front cover is a photo of a Makah mother and child and a quote from Chief Joseph.

Cover photo by James G. McCurdy, permission for use granted by the Seattle Historical Society; quote by Chief Joseph (Nez Perce), from "A True Copy of the Record of the Official Proceedings at the Council in the Walla Walla Valley 1855," permission for use granted by Ye Galleon Press, Fairfield, WA.

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The indigenous peoples of Washington state lived in tribal groups that were varied in culture, language and lifestyle. These groups can be classified in terms of geography or culture as Coastal, Puget Sound, or Plateau tribes. Language also is a determinant in classification with seven language families represented among Washington state tribes.

The climate, food availability and topography of the various regions in Washington defined the ways people survived. Homes were designed to fit a variety of needs using whatever materials were available.

Coastal tribes built summer homes of rushes or bark. More permanent shelters were built of cedar planks. A photo from the late 1800's (top) shows a village of cedar homes on the northwest coast.

Some plateau tribes lived in long lodge houses made of earth and covered with bark or reed mats to provide shelter from the cold. Tipis made from animal skins and poles were developed because of their adaptability for travel. Taken in 1900, the bottom photo is of a Yakima settlement near Ellensburg (photos courtesy of Washington State Library).

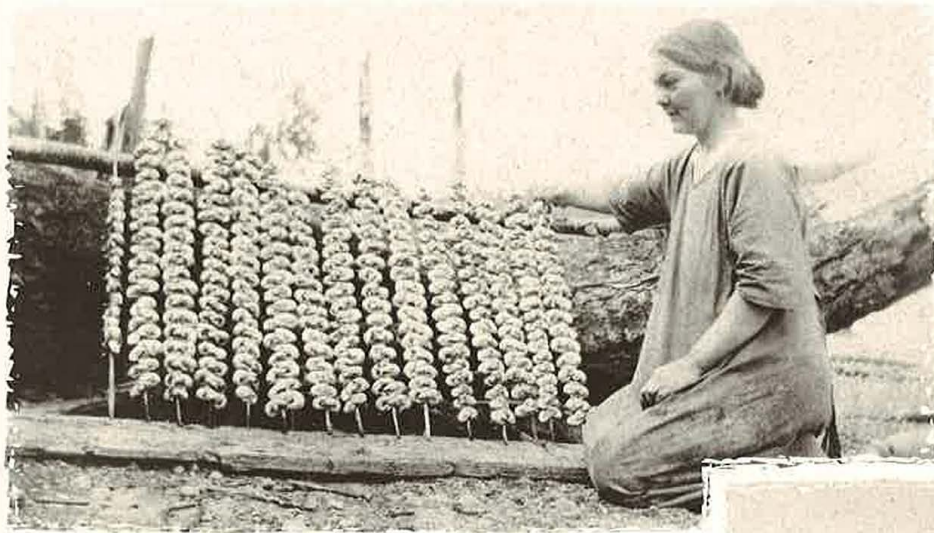
## Fifty-Third Washington State Legislature

1993 Regular Session  
First Special Session



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Food was as varied as the seasons would nurture and the land could sustain. The quest to provide enough sustenance was a common and continuous task for all tribal peoples in Washington.

Coastal and Puget Sound tribes enjoyed an abundance of fish, shellfish, berries, game and roots. Because of a mild climate, food was usually plentiful. Above, Cecelia Pell-Bob dries cockles on Squaxin Island, early 1900's (photo courtesy of the Squaxin Tribe).

A harsher climate in eastern Washington forced Plateau tribes to hunt and gather in a more cyclical pattern. The availability of game, fish, plants and roots was dependent on the weather and the season. Many people moved with the migration of game and the ripening of different plants. At right, a Colville woman digs bitterroot near Nespelem (photo courtesy of Washington State Library).



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## **Statistical Summary**

*1993 Regular and First Special Sessions*

<b>Bills Before Legislature</b>	<b>Introduced</b>	<b>Passed Legislature</b>	<b>Vetoed</b>	<b>Partially Vetoed</b>	<b>Enacted</b>
<i>1993 Regular Session (January 11 – April 25)</i>					
House	1,138	319	6	18	313
Senate	989	217	2	9	215
<i>1993 First Special Session (April 26 – May 6)</i>					
House	0	9	0	1	9
Senate	3	16	0	7	16
<b>TOTALS</b>	<b>2,130</b>	<b>561</b>	<b>8</b>	<b>35</b>	<b>553</b>

<b>Initiatives, Joint Memorials, Joint Resolutions and Concurrent Resolutions Before Legislature</b>	<b>Introduced</b>	<b>Filed with the Secretary of State</b>
<i>1993 Regular Session (January 11 – April 25)</i>		
House	50	13
Senate	52	4
<i>1993 First Special Session (April 26 – May 6)</i>		
House	2	0
Senate	0	1
<b>TOTALS</b>	<b>103</b>	<b>17</b>
<b>Initiatives</b>	<b>0</b>	<b>2</b>

<b>Gubernatorial Appointments</b>	<b>Referred</b>	<b>Confirmed</b>
<i>1993 Regular Session (January 11 – April 25)</i>	238	166
<i>1993 First Special Session (April 26 – May 6)</i>	4	0



Fishing was a way of life for many tribal people; halibut, salmon and herring provided variety to their diets. Coastal tribes enjoyed the first opportunity to catch salmon as the runs headed upstream. Plateau tribes had to wait longer to take advantage of this valuable source of protein.

Methods for catching different fish were varied. Spear fishing, dip netting and fish corrals were some methods used to glean the harvest of the waters. In the above photo, inland tribal fishers wait for an opportune moment at Sunnyside on the Yakima River (photo courtesy of Washington State Library).

Weir traps were another method of catching fish. To the right, "Yelm Jim" has a fish trap set on the Puyallup Reservation, 1885 (photo courtesy of Washington State Library).



## SECTION I Legislation Passed

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House Memorials and Resolutions

Senate Bill Reports and Veto Messages

Senate Memorials and Resolutions

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**I 134**  
C 2 L 93

Regulation of political contributions and campaign expenditures.

By People of the State of Washington

**Background:** Under the public disclosure statutes, originally enacted by initiative in 1972, candidates for public office in the state of Washington are required to make detailed reports of the moneys they raise to fund their campaigns. There are no limitations, however, on who may contribute or on the amount of contributions. Unlimited contributions may be received from individuals, political action committees, labor organizations, associations, corporations, and political party organizations whether located in or out of the state.

In response to public concerns about the escalating costs of political campaigns and a perceived imbalance in influence based upon campaign contributions, two major bills were introduced in the Legislature during the 1992 Regular Session. Neither bill was enacted and initiative petitions were subsequently circulated for measures which were similar to the two failed bills. Only Initiative 134 received sufficient petition signatures to qualify for the ballot and was passed by the voters in the November 1992 election.

**Summary:** Definitions of terminology are added, supplementing and overlapping existing definitions in the Public Disclosure Act. Some of the terms defined include bona fide political party, contribution, election cycle and independent expenditure. The existing definition of public office fund is repealed.

No person, except a bona fide political party or legislative caucus, may contribute more than \$500 to a candidate for state legislative office or \$1,000 to a candidate for statewide office for each recall, primary or election.

No governing body of a state political organization or legislative caucus may contribute to a candidate more than \$.50 per registered voter in the candidate's jurisdiction and no county central committee or legislative district committee may contribute more than \$.25 per registered voter in a candidate's jurisdiction.

No person other than an individual, a bona fide political party or a legislative caucus may make contributions in excess of \$500 to a legislative caucus, or in excess of \$2,500 to a bona fide political party, during any calendar year.

The dollar limits on contributions shall be adjusted at the beginning of each even-numbered year by the Public Disclosure Commission to reflect any changes in an inflationary index.

No county central committee or legislative district committee may make contributions to a candidate if the committee is outside of the jurisdiction of the candidate.

Contributions of certain family members and of controlled entities are attributed to the controlling person or parent.

No employer or labor organization may increase the salary of an officer or employee with the intention that the increase be contributed to support or oppose a candidate, political party or political committee. No portion of an employee's pay may be withheld or diverted for political contributions without the written consent of the employee. A written consent is valid for no more than 12 months.

No state official may solicit a contribution from an applicant for employment or employee in the official's agency and no official may provide an advantage or disadvantage regarding an application for or conditions of employment in the classified civil service based on the employee's or applicant's contribution to a political party or committee. The statute authorizing automatic payroll deductions from state employees for political committees is repealed.

Shop fees paid by an individual who is not a member of a labor organization may not be used to influence an election or operate a political committee unless "affirmatively authorized" by the individual.

Loans, other than secured or guaranteed loans made at market rates from a commercial lender, are considered contributions.

A contribution solicited or received by a candidate committee may not be used to further the candidacy of the individual for any other office than that set forth in the statement of organization unless the contributor gives written approval.

The authority to dispose of surplus campaign funds by giving them to other candidates or political committees, using them for future election campaigns for a different office, using them for political or community activity, or using them for nonreimbursed public office related expenses is repealed. Authority is added to give surplus funds to a caucus of the state Legislature.

Persons making independent expenditures for political advertising are required to make explicit disclosures of their identity in the advertising.

Various provisions are added regarding gifts, penalties, audits and reports.

**Effective:** December 3, 1992

**I 573**  
C 1 L 93

Ballot access for elected officials.

By People of the State of Washington

**Background:** There are no limitations on the number of terms a person may serve as governor, lieutenant governor, state representative, state senator, U.S. representative or U.S. senator. It is stated by some that "entrenched incumbents have become indifferent to the conditions and con-

cerns of the people” and that “the people of Washington have a compelling interest in preventing the self-perpetuating monopoly of elective office by a dynastic ruling class.” (Init. 573, findings)

In November 1992 the voters elected 36 new state representatives, 15 new state senators, three new U.S. representatives, one new U.S. senator and a new governor. The voters also passed Initiative 573, a term limits initiative, revised from a term limits initiative which failed in 1991.

**Summary:** A candidate for governor, lieutenant governor, state senate or U.S. senate may not file a declaration of candidacy or appear on the ballot if they have served in that office for eight of the previous 14 years.

A candidate for state representative or U.S. representative may not file a declaration of candidacy or appear on the ballot if they have served in that office for six of the previous 12 years.

A candidate for either house in the state Legislature or for either house in Congress may not file a declaration of candidacy or appear on the ballot if they have served in that legislative body for 14 of the previous 20 years.

No time in office prior to November 3, 1992 may be used to determine eligibility to appear on the ballot.

The limitations of this act do not apply to write-in candidates.

Any citizen of the state may bring suit to enforce the restrictions of this act and, if they prevail, recover reasonable attorney’s fees and costs.

**Effective:** December 3, 1992

## SHB 1003

C 137 L 93

Concerning judicial proceedings for involuntary commitment or detention.

By House Committee on Local Government (originally sponsored by Representatives Riley and Wineberry).

House Committee on Local Government  
Senate Committee on Health & Human Services

**Background:** Any county may establish a county alcoholism and other drug addiction program.

The coordinator of such a program, who is also referred to as the designated chemical dependency specialist, may petition the superior court to order the involuntary commitment of any adult who appears to be incapacitated by alcohol or any juvenile who appears to be incapacitated by alcohol or other drug addiction. The superior court holds a hearing on the matter and may order the involuntary commitment of such a person, if the requisite grounds for involuntary commitment have been met by clear, cogent, and convincing proof.

A person who is involuntarily committed to an approved treatment program is committed for a period of 60 days unless he or she is released sooner. The person who is involuntarily committed must be released from the treatment program at the end of this 60-day period, unless prior to the end of this 60-day period the "program" files a petition with the superior court for the recommitment of the individual and the court orders the recommitment of the individual. Presumably the recommitment would be for up to another 60-day period.

**Summary:** The prosecuting attorney may, at the prosecutor's discretion, represent the designated chemical dependency specialist or treatment program in judicial proceedings for the involuntary commitment or recommitment of an individual.

**Votes on Final Passage:**

House	95	0
Senate	45	0

**Effective:** July 25, 1993

## SHB 1006

C 370 L 93

Enabling public-private transportation initiatives.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Zellinsky, Brumsickle, Dom, R. Meyers, Miller, Scott, Sheldon, Wineberry, Ogden, Wood, Schmidt, Ballasiotes, Forner, Cooke, Talcott, Chandler, Leonard, Jacobsen, Eide, Horn and Pruitt).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** Joint ventures between the public and private sector is a concept which has generated increased nationwide interest in recent years. As the magnitude of unmet capital and operating program needs rises and the funding available to state government to finance those needs declines, turning to the private sector as a source of additional revenue is viewed as a viable alternative.

The Washington State Transportation Policy Plan is an ongoing process through which a wide range of individuals representing public and private interests develop transportation policy recommendations which are adopted by the state Transportation Commission and reported to the Legislature.

In April 1992, the Policy Plan Steering Committee convened a Subcommittee on Public-Private Initiatives in Transportation to examine ways in which the state could expand its role in transportation financing partnerships. The subcommittee was a broad-based, 18-member group including representatives from the business sector, the investment banking community, various state agencies, legislators, the commission and other interest groups.

The subcommittee conducted a detailed review of the legal, institutional and regulatory barriers to development of public-private initiatives in Washington State, innovative transportation financing programs across the country, and federal provisions encouraging the development of transportation partnerships. The subcommittee also analyzed the financial and economic climate for such initiatives and determined there is significant interest by the private sector in participating in such programs, given a properly structured institutional and regulatory framework.

The subcommittee recommended and the Transportation Commission approved legislation implementing a new program of public-private initiatives in transportation.

**Summary:** It is the intent of the Legislature to enhance the ability of the state to provide an efficient transportation system through the use of public-private initiatives which allow private entities to plan, design, develop, finance, acquire, install, construct, improve, operate and maintain transportation systems and facility projects. The Legislature finds that such initiatives will supplement state transportation revenues and allow the state to use its limited resources for other needed projects. The state is encouraged to promote the participation of Washington businesses in public-private initiatives.

Transportation systems and facilities that are built with private funding are defined as capital-related improvements and additions to the state's transportation infrastructure, including highways, roads, bridges, vehicles and equipment, marine-related facilities, vehicles and equipment, park and ride lots, transit stations and equipment, and transportation management systems.

The secretary of the Washington State Department of Transportation (WSDOT) or a designee is authorized to solicit proposals from and enter into agreements with private entities to undertake all or a portion of the study,



planning, design, construction, operation and maintenance of transportation facilities using private financing.

The public-private initiatives program may develop up to six demonstration projects which are selected by the public and private sectors at their discretion and approved by the state Transportation Commission. Agreements provide for private ownership during the construction period. Once completed, the projects are state-owned and leased to the private entity for operating purposes for up to 50 years, unless the state elects to provide for private ownership during the term of the agreement. Facilities built by the private sector are to be turned over to the state for lease back to the private sector as soon as they are accepted by the state as being completed.

Projects are considered part of the state's transportation system for purposes of identification, maintenance, and the enforcement of traffic laws. Projects designed, constructed and operated under the program must comply with laws, rules and regulations in existence at the time the agreement is negotiated, including, but not limited to, prevailing wage, non-displacement of state workers, and state ferry worker collective bargaining requirements, and are required to meet all state standards when they revert to the state at the end of the lease term. Agreements between the private sector and WSDOT must address responsibility for reconstruction or renovation that are required in order for a facility to meet state standards upon reversion of the facility to the state.

Agreements may include provisions for WSDOT to lease, for a term not to exceed 50 years, rights of way and airspace for a negotiated charge. Leases negotiated after the 50-year period shall be for fair market value.

WSDOT is authorized to exercise its authority to facilitate and assist the private sector in implementing projects, including leasing facilities, providing rights of way and airspace, exercising powers of eminent domain, granting development rights, easements and rights of access, and granting contractual and real property rights.

WSDOT is reimbursed by the private sector for services provided in support of the program, including preliminary planning, environmental certification and preliminary design.

Private entities are authorized, under a negotiated agreement, to impose user fees or tolls within a project area to allow a reasonable rate of return on investment. A maximum rate of return on investment is established based on project characteristics. Agreements may establish incentive rates of return beyond the maximum rate of return on investment if various safety, performance or transportation demand goals are achieved.

User fee or toll revenues are applied to payment of the private entity's capital cost, including interest expense, operation, maintenance, administrative costs, reimbursement to the state for the costs of project review and oversight, technical and law enforcement services, and a reasonable

rate of return on investment to the private entity. The use of excess toll revenues or user fees is negotiated.

WSDOT is allowed to continue to charge user fees or tolls for the facility's use following expiration of the lease term. These revenues are earmarked for operations and maintenance, are paid to the local transportation planning agency, or any combination of such uses.

In order to maximize funding opportunities for public-private initiatives identified in federal law – the Intermodal Surface Transportation Efficiency Act of 1991 – WSDOT is permitted to create a revolving fund which can be used to make grants and loans to the private sector and to enter into other financing arrangements.

The Public-Private Initiatives Program is implemented in cooperation and consultation with affected local jurisdictions.

**Votes on Final Passage:**

House	98	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 1, 1993

**EHB 1007**  
**PARTIAL VETO**  
**C 446 L 93**

Enhancing state-wide transportation planning.

By Representatives R. Fisher, Zellinsky, Brumsickle, R. Meyers, Miller, G. Cole, Scott, Basich, Dunshee, Wood, Schmidt, Forner, Jacobsen, Franklin, Eide, Flemming, Horn and J. Kohl.

House Committee on Transportation  
Senate Committee on Transportation

**Background:** The statutes of the Department of Transportation do not provide a planning process for incorporating the transportation policies identified in recent years in the State Transportation Policy Plan, the Growth Management Act, and other transportation legislation. Examples of issues not addressed in statute are the identification of and planning for transportation facilities and services of state-wide significance, coordination of transportation facilities and services that cross regional boundaries, and coordination between transportation modes to make transferring passengers or goods from one mode to another more convenient and efficient.

The new federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) identifies several elements that each state must include in its transportation planning process in order to qualify for federal transportation funding.

**Summary:** The responsibilities of the Department of Transportation (DOT) in regard to transportation planning are defined. The DOT is required to develop on an on-go-

ing basis a statewide multimodal transportation plan that includes two components: (1) a state-owned facilities component that shall serve as a guide for state investment in (a) state highways, including preservation, operational and capacity improvements, paths and trails, and scenic and recreational highways, and (b) the ferry system; and (2) a state-interest component that includes plans to guide statewide coordination of aviation, marine ports and navigation, freight rail, intercity passenger rail, bicycle transportation and pedestrian walkways, and public transportation. The plans developed as part of the statewide multimodal transportation plan must be consistent with one another, the State Transportation Policy Plan, local comprehensive plans, regional transportation planning, and high capacity transportation planning.

Elements to be included in the development of the State Transportation Policy Plan by the Transportation Commission are identified. The role of the DOT in regard to high capacity transportation planning and regional transportation planning is delineated.

**Votes on Final Passage:**

House	90	0	
Senate	42	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 25, 1993

**Partial Veto Summary:** Section 14 of the bill requires that the six-year highway construction program adopted by the Transportation Commission be based on the state-owned highway component of the statewide multimodal transportation plan. The governor vetoed section 14 stating that it is not necessary. Section 3 of SSB 5963, providing for priority programming of multimodal solutions to address state highway deficiencies, amends the same statute as section 14 of this bill, providing preferred language to implement the same intent and make additional modifications.

**VETO MESSAGE ON EHB 1007**

May 17, 1993

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 14, Engrassed House Bill No. 1007 entitled:

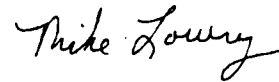
"AN ACT Relating to statewide transportation planning."

This bill defines the Washington State Department of Transportation's role in statewide transportation planning.

Section 14 of the bill, amends RCW 47.05.031, directing that the Transportation Commission's comprehensive six-year program and financial plan for highway improvements be based upon the improvement needs identified in the state-owned facilities component of the Multimodal Transportation Plan created by this legislation. Section 14 is not necessary since the same statute is amended in Substitute Senate Bill No. 5963, an Act Relating To Priority Programming Of Multimodal Solutions To Address State Highway Deficiencies, which also passed the Legislature this session. Substitute Senate Bill No. 5963 spells out in more specific terms how that integration should take place and is the preferred wording for implementation of the intent of both bills.

With the exception of Section 14, Engrassed House Bill No. 1007 is approved.

Respectfully submitted,



Mike Lowry  
Governor

**SHB 1012**

C 228 L 93

Adopting the uniform anatomical gift act.

By House Committee on Health Care (originally sponsored by Representatives Appelwick, King and Jacobsen).

House Committee on Health Care  
Senate Committee on Health & Human Services

**Background:** Nationally, the demand for donor organs and body parts far exceeds the supply. It is estimated that from 8,000 to 10,000 people are waiting for a transplant organ. This situation raises concerns from the patients who need new organs and body parts, as well as from physicians and health facilities providing transplantation services.

The Uniform Anatomical Gift Act, drafted and recommended to the states by the Commission on Uniform State Laws, was enacted in Washington in 1969. In view of the increasing demand for organs, the commission revised the act in 1988 in several respects.

There is a requirement in current law for the signature of two witnesses on a document for an anatomical gift.

Absent consent of a donor to make an anatomical gift, other persons may make such a gift upon the death of the donor. These include the surviving spouse, children, parents and siblings of the decedent in this order. There is no provision for the grandparents, guardian or a person authorized pursuant to a durable power of attorney to consent to anatomical gifts of a deceased donor.

There is no requirement on the part of a hospital to make an inquiry of a patient as to whether the patient may be a donor.

There is no penalty provided for the sale or purchase of a donor's body part.

**Summary:** There is a statement of legislative intent with findings that organ donations are needed; that discussions about advanced directives and organ donations should occur in office visits with primary care providers; and that sensitivity and discretion should be used when discussing organ donations with prospective donors. The Legislature declares that a program that increases the number of anatomical gifts is in the best interest of Washington citizens,

## SHB 1013

and that wherever possible policies and procedures should be consistent with federal law.

The signature of two witnesses is no longer a requirement for evidencing an anatomical gift by a donor. However, where the donor is unable to sign the document of gift, it must be signed by another person in the presence of the donor and two witnesses.

The persons who may consent to an anatomical gift of a deceased donor, in the absence of any document evidencing a refusal to make a gift, include a guardian, a person authorized pursuant to a durable power of attorney, the surviving spouse, children, parents, siblings, or grandparents, in this order.

Hospitals are required to ask patients upon admission if they are organ donors, and provide non-donors with information about the right to make an anatomical gift and ask them if they want to become donors. The answer is documented in the patient's medical record. If the answer is in the affirmative, the hospital must provide a document of gift. Hospitals are also required to adopt policies to implement their responsibilities.

The selling or buying of organ or body parts of another is declared to be a felony punishable by a fine of up to \$50,000 and/or imprisonment for up to five years.

### Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 25, 1993

## SHB 1013

C 395 L 93

Adopting the revised uniform commercial code on bulk sales.

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

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

**Background:** Statutes regulating bulk sales originally were enacted in response to concerns that a merchant would acquire stock in trade on credit, then sell the entire inventory and abscond with the proceeds. The creditors had a right to sue the merchant, but that right was often of little practical value. The creditors had no recourse against the buyer. The salient feature of bulk sales laws is the imposition of duties on the buyer to notify the seller's creditors of the sale and to assure a distribution of the sale to the creditors. The buyer's failure to comply enables a creditor to set aside the sale and take the inventory.

Washington law on bulk sales has followed the national model. A bulk sale is ineffective against a creditor of the

transferor unless the buyer complies with several requirements.

The National Conference of Commissioners on Uniform State Laws and the American Law Institute believe that bulk sales laws impede normal business transactions and that changes in the business and legal contexts in which bulk sales are conducted have made regulation of bulk sales unnecessary.

**Summary:** The article of Washington's Uniform Commercial Code known as the Uniform Commercial Code - Bulk Transfers is repealed.

### Votes on Final Passage:

House	97	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 1993

## SHB 1014

C 229 L 93

Updating Uniform Commercial Code Articles 1, 3, and 4.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Appelwick and Riley).

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

**Background:** Articles 3 and 4 of the State Uniform Commercial Code (UCC), which govern commercial paper and bank deposits and collections, have not been substantially amended since 1965. Since that time much has changed in commerce and banking, both with respect to law and to technology.

After nearly a decade of work, the National Conference of Commissioners on Uniform State Laws has completed revisions to UCC articles 3 and 4 and has recommended that the states adopt these revisions.

**Summary:** Uniform Commercial Code articles 3 and 4 are substantially revised in accordance with recommendations of the National Conference of Commissioners on Uniform State Laws. Most of the provisions of Article 3 are amended governing negotiable instruments, e.g., checks, including: transfer and negotiation of instruments; liability of parties to the instrument; presentment, notice of dishonor and protest of instruments; discharge of parties; and other rights, remedies, and procedures relating to negotiable instruments. Most of the provisions of Article 4 are amended governing the rights and obligations of banks in their relationship with other banks in the check deposit and collection system and the rights and obligations of banks in their relationship with their customers.

**Votes on Final Passage:**

House 97 0  
 Senate 42 0 (Senate amended)  
 House 97 0 (House concurred)  
**Effective:** July 1, 1994

**HB 1015**  
 C 230 L 93

Adopting the Uniform Commercial Code article on leases.  
 By Representatives Appelwick and Riley.

House Committee on Judiciary  
 Senate Committee on Law & Justice

**Background:** Washington has adopted the Uniform Commercial Code (UCC) which governs many aspects of commerce involving personal property. The UCC is divided into "articles" covering various topics. Included in the UCC, for instance, are articles related to sales and to secured transactions. A main goal of the UCC is to provide codified predictability and uniformity nationwide for the conduct of business.

Leasing personal property is a common form of commerce. Although some aspects of leases of consumer goods are covered in Washington law, there is no comprehensive treatment of the subject in Washington's UCC or other statutes. Some lease arrangements may closely resemble an outright sale, while others may look much like a secured transaction or other loan agreement. Classifying these ostensible "leases" has occurred on a case-by-case basis. The State Supreme Court, for example, has held some consumer leases to be loans. In response, the Legislature exempted those leases from state usury laws.

Significant consequences may result from a court declaring a nominal lease to be a sale or a secured transaction. For instance, a "lessor" will have to file a financing statement or take other action to perfect his or her interest if the "lease" is really a secured transaction. On the other hand, a "lessee" may have express and implied warranty rights if the "lease" is really a sale.

In 1985, the National Conference of Commissioners on Uniform State Laws approved a Uniform Personal Property Leasing Act and recommended its adoption by the states. This proposed legislation was modified in 1987. In drafting the proposal, the conference generally concluded that leases are more analogous to sales than to secured transactions. The proposal was also redrafted in light of amendments made to the proposal when it was adopted in some states, particularly California, and in light of significant commentary by bar groups and others who reviewed earlier versions. The conference, as well as the American Law Institute, have recommended adoption of this new UCC article governing leases.

**Summary:** The Uniform Law Commission's recommended article on leasing of personal property is added to the Uniform Commercial Code.

The new article defines and sets forth the rules governing commercial leases. The article is divided into six parts: General Provisions; Formation and Construction of Leases; Effect of Lease Contract; Performance of Lease Contract; Default; and Amendatory Sections.

GENERAL PROVISIONS.

Extensive definitions of many terms related to leases are provided. Generally, the article defines leases by exclusion as not being sales or secured transactions and by inclusion as a "transfer of the right to possession and use of goods for a term in return for consideration." The "goods" which are subject to leases within the meaning of the article include fixtures and movable personal property, but do not include money, intangibles, or minerals before extraction.

Leases subject to the article are also expressly subject to certain other statutes. Specifically, statutes concerning certificates of title and consumer protection generally take precedence when conflicts arise between their coverage and the coverage of the article on leases.

The article also allows a court to refuse to enforce any lease, or portion of a lease, that it finds to be unconscionable.

FORMATION AND CONSTRUCTION OF LEASES

Detailed rules are provided for the creation and interpretation of leases. Generally, leases must be in writing if the value of the lease is more than \$1,000. A lease may take any form "sufficient to show agreement" between the parties.

A lessor is held to have created express warranties that goods conform to any affirmations, promises or descriptions made, or samples provided. Implied warranties of merchantability and fitness for a particular use are also imposed.

Generally, the risk of loss of the goods after formation of a lease but before delivery remains with the lessor.

EFFECT OF LEASE CONTRACT

A lease is enforceable as between the parties according to the terms of the lease. Generally, leases are effective against the interests of purchasers of the goods and against creditors of the parties who take subject to the terms of the lease.

Specific rules are provided for the alienation of lessors' and lessees' interests in a lease. Special rules are also provided for situations in which goods that are subject to a lease become fixtures to real property or accessions to other goods.

PERFORMANCE OF LEASE CONTRACT

The article prescribes the methods by which parties may repudiate, substitute, or excuse a lease contract.

DEFAULT

Remedies and procedures are provided for lessors and lessees in the event of default on a lease contract by the

## SHB 1017

other party. A four-year statute of limitations is provided, but the parties to a lease may agree to a period as short as one year.

### AMENDATORY SECTIONS

Existing sections of the UCC are amended to conform definitions to the new provisions in the article on leases.

#### Votes on Final Passage:

House	94	0	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 1, 1994

## SHB 1017

C 71 L 93

Concerning the employment of persons with a history of sexual exploitation of children.

By House Committee on Education (originally sponsored by Representatives Former, Dorn, Brough, Chandler, Brumsickle, Vance, Cooke, Thomas, Long, Reams, Van Luven, Kremen, Tate, Mielke, Miller, Ballard, Basich, Dyer, Sheldon, Wood, Foreman, Ballasiotes, Schoesler, Morton, Stevens, Carlson, Edmondson, Sehlin, Rayburn and Horn).

House Committee on Education  
Senate Committee on Education

**Background:** The Office of the Superintendent of Public Instruction (SPI) is responsible for the certification of teaching candidates, and for the revocation of certificates under certain circumstances.

A current statute prevents a felony conviction more than 10 years old from being the sole basis for disqualifying a person from employment by the state, one of its subdivisions or agencies such as a school district. Such a conviction may also not be the sole basis for denying the person a necessary occupational license or certificate such as for teaching. The law does permit consideration of the fact of the conviction in determining whether to employ or grant a license to such a person.

Another statute requires SPI to revoke, without possibility of reinstatement, the teaching certificate of a person convicted of one or more specified felonies against a child. Those felonies include the physical neglect, injury or death of a child (other than through a motor vehicle violation), the sale or purchase of a child, and various sex offenses involving a child.

The Office of the Superintendent of Public Instruction treats applicants for reinstatement as applicants for initial certification. Consequently, a potential conflict exists between the provision that a 10-year-old felony conviction does not solely disqualify a candidate for certification, and the requirement of mandatory permanent revocation of the teaching certificate of someone convicted of a specified felony.

Further, there is concern that sex offenders against children are not amenable to treatment or rehabilitation.

**Summary:** The existing statute providing that a felony conviction more than 10 years old cannot be the sole basis for disqualifying a candidate from governmental employment or from professional licensing is amended.

A person is disqualified for a certificate to teach by a prior guilty plea or conviction of a felony involving one or more specified sex offenses involving a child, even if the time elapsed since the guilty plea or conviction is 10 years or more.

Similarly, a person with such a guilty plea or conviction is disqualified from employment by school districts, educational service districts, and their contractors hiring employees who will have regularly scheduled unsupervised access to children.

The disqualifications apply only to persons applying for certification or employment on or after the effective date of the act.

The act does not affect the duties or powers of the Office of the Superintendent of Public Instruction under the mandatory revocation statute.

#### Votes on Final Passage:

House	94	0
Senate	46	0

Effective: July 25, 1993

## EHB 1022

C 11 L 93

Adjusting the membership of the sentencing guidelines commission.

By Representatives Morris, Long, King and L. Johnson; by request of Sentencing Guidelines Commission.

House Committee on Corrections  
Senate Committee on Law & Justice

**Background:** The Sentencing Guidelines Commission was created by the Legislature as an independent body to develop criminal sentencing guidelines and standards for recommendation to the Legislature. Commission responsibilities include recommending changes to the sentencing guidelines every two years, and analyzing necessary changes to the Criminal Code.

The commission consists of 15 voting members, 12 of whom are appointed by the governor. The 12 appointed members include four Superior Court judges, two defense attorneys, two prosecutors, three citizens, and the chief of a local law enforcement agency. There are three ex-officio voting members: the secretary of the Department of Corrections, the director of the Office of Financial Management, and the chair of the Clemency and Pardons Board. Four legislators are appointed by the leadership of the House and the Senate and serve as nonvoting members.



The chair of the Indeterminate Sentence Review Board was an ex officio member of the commission until July 1, 1992, when the board was scheduled to terminate. However, the Legislature extended the board's termination to June 30, 1998.

**Summary:** Membership of the Sentencing Guidelines Commission is increased from 15 to 16 members by the addition of the chair of the Indeterminate Sentence Review Board. This position is ex officio and serves only until June 30, 1998.

**Votes on Final Passage:**

House	97	0
Senate	40	0

**Effective:** April 12, 1993

**HB 1024**

C 231 L 93

Extending the maturity date for general obligation bonds issued by fire protection districts.

By Representatives Rayburn, Edmondson, Bray and Dunshee.

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** Statutes that establish debt limitations for different taxing districts also establish the maximum term of the debt or bonds. The most common maximum term for both voter approved and non-voter approved general indebtedness is 40 years.

Fire protection districts are authorized to incur both non-voter approved general indebtedness and voter approved indebtedness. The maximum term of non-voter approved general indebtedness that a fire protection district may incur is six years. The maximum term of voter approved general indebtedness that a fire protection district may incur is 20 years.

**Summary:** The maximum term of non-voter approved general indebtedness that a fire protection district may incur is increased from six years to 20 years.

**Votes on Final Passage:**

House	96	0
Senate	45	2 (Senate amended)
House	96	0 (House concurred)

**Effective:** July 25, 1993

**HB 1025**

C 232 L 93

Regarding the limitation of actions brought by prisoners.

By Representatives Ludwig, Padden, Riley, Kremen, Appelwick, Mielke, Romero, Dyer, Jones, Kessler, Orr,

Karahalios, R. Meyers, Brough, Carlson, Ballasiotes, Jacobsen, Fomer, Silver, Dom and Chappell.

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** Under state law, a statute of limitation is tolled for a person with one or more enumerated disabilities, including imprisonment for a term less than his or her natural life. Thus, a prisoner with less than a life sentence need not bring a lawsuit within the ordinary time limit.

In *Bianchi v. Bellingham*, the Court of Appeals for the Ninth Circuit applied the Washington State tolling statute to a federal civil rights action brought by a prisoner serving a life sentence. The court reasoned that since the prisoner's life sentence was not without possibility of parole, the term was for less than his natural life. The result was that the prisoner's action, brought more than nine years after the events complained about occurred, was not barred by the lapse of time.

**Summary:** Imprisonment under sentence is removed as a disability in the tolling statute. Imprisonment while charged with a criminal offense, and imprisonment following conviction but prior to sentencing, remain disabilities under the tolling statute.

**Votes on Final Passage:**

House	95	0
Senate	45	0 (Senate amended)
House	96	0 (House concurred)

**Effective:** July 25, 1993

**SHB 1026**

C 233 L 93

Excepting public defender services from county competitive bid requirements.

By House Committee on Local Government (originally sponsored by Representatives Ludwig, H. Myers, Chandler, Bray, Edmondson and Springer).

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** Counties are required to competitively bid contracts for the purchase of materials, equipment, supplies, and services when the contract equals or exceeds \$2,500 in value.

The competitive bidding requirements do not apply to performance-based contracts for energy equipment and supplies, or to contracts for election materials. There is no exemption from the competitive bidding requirements for public defender services.

**Summary:** Counties are not required to competitively bid contracts for public defender services.

## SHB 1028

### Votes on Final Passage:

House 94 0  
Senate 25 18 (Senate amended)  
House 96 0 (House concurred)  
Effective: July 25, 1993

## SHB 1028

C 152 L 93

Allowing live-in care at mobile home parks.

By House Committee on Trade, Economic Development, & Housing (originally sponsored by Representatives H. Myers, Vance, Jones, Orr, Flemming, Springer, Shin, Dunshee and Chappell).

House Committee on Trade, Economic Development & Housing  
Senate Committee on Labor & Commerce

**Background:** The Mobile Home Landlord-Tenant Act addresses the unique characteristics of renting space for mobile homes in a mobile home park. The tenant generally owns the mobile home and is renting the land from the park owner. The act lists general provisions, defines the duties of the landlord and the remedies available to the tenant, defines the duties available to the tenant and the remedies of the landlord, and provides for mediation.

The landlord may establish reasonable rules for guests, and may charge a fee for guests that remain on the premises for more than 15 days in any 60 day period.

**Summary:** A tenant in a mobile home park may share his or her mobile home with a person over 18 years of age if that person is providing live-in, home health or hospice care as required by the tenant's physician. The live-in care provider is not considered a tenant or a guest of the park, although the live-in care provider must comply with the rules of the mobile home park, the rental agreement, and the Mobile Home Landlord-Tenant Act. The landlord may not collect a guest fee for the live-in health care provider.

### Votes on Final Passage:

House 97 0  
Senate 45 2  
Effective: July 25, 1993

## EHB 1033

C 285 L 93

Establishing a procedure for developing local jail industries programs.

By Representatives H. Myers, Bray, Edmondson, Rayburn, Chappell, Ludwig, Kessler, Flemming, Brough, Campbell, L. Johnson, Dunshee and Ogden.

House Committee on Corrections  
Senate Committee on Law & Justice

**Background:** Local city and county jails offer a limited variety of work programs for inmates. One of the most frequently used work programs in the jail system is inmate work crews. Under this program, inmate work crews provide labor in low skilled and labor intensive projects such as picking up litter in parks and along roadways or providing non-professional landscaping for county or city parks. Other jail work programs include small inmate work projects such as filling up bottles with bleach to be used in needle exchange programs. In addition, many jails conduct janitorial and kitchen operations with inmate labor.

Local jails can require convicted inmates to work while they are incarcerated. However, there are very few jail work programs available except for those developed independently by local administrators. Although jail administrators statewide have expressed interest in increasing the availability of meaningful jail work programs, and in sharing their experience and expertise with their peers in other communities, there is no statewide board, organization, or administrative body that provides local jails with technical assistance, accreditation, or ongoing monitoring of local jail work programs and their products or services.

Offenders in jail can be required, if stipulated at the time of sentencing, to pay for the cost of their incarceration.

A federal assistance program for local jail work programs was developed by the Justice Assistance Act, signed on October 13, 1984. The act continues the Prison Industry Enhancement Certification Program originally authorized within the Justice System Improvement Act of 1979. This federal legislation provides exemption from federal constraints on the marketability of prisoner-made goods, by permitting the sale of these products in interstate commerce. A limited number of jail industry projects may be certified for this exemption. The Bureau of Justice Assistance must determine that projects meet statutory and guideline requirements. As a prerequisite for participation in this federal program, local jail industries programs must have statutory authority to administer jail industry programs. In Washington, this statutory authority is not clearly stipulated.

**Summary:** A 21-member Jail Industries Board is created. Membership of the Jail Industries Board includes county and city officials, jail administrators, and governor's appointees from the Department of Corrections-Correctional Industries Division, Employment Security Department, Department of Trade and Economic Development, business, labor, education, an on-line law enforcement officer, and a member of a crime victims group. The purpose of the board is to provide a statutorily defined structure and process to uniformly assist local jail programs in developing, implementing, and maintaining safe and productive jail work programs that offer inmates meaningful work experiences and education and training in employable vocations.

The board is required to provide:

- (1) advice in developing and implementing safe and efficient offender work programs;
- (2) guidelines and technical assistance for the coordination of jail industries programs with basic adult education programs;
- (3) procedures for determining and maintaining program compliance with federal regulations;
- (4) determination of the program's cost accounting status required for participation in the federal assistance program;
- (5) a mandatory arbitration process for resolving conflicts among the local business and labor communities; and
- (6) technical assistance leading to collection of jail industries program data, especially as it relates to recidivism.

The board must require a city or county with a jail industries program to establish a local advisory group, or use an existing group, that includes individuals representing business, labor, crime victims advocates, and the developmentally disabled community. These local advisory groups work on behalf of the needs of the local community, in conjunction with the state Jail Industries Board. In addition, both the local advisory and the state board are required to review all jail work programs to ensure that a jail work program will not negatively impact local businesses or the labor community.

Both pre-sentence and pre-conviction inmates are allowed to participate in jail industries programs. Jail industries programs are authorized to recover an appropriate portion of inmate wages to pay for their cost of incarceration and to maintain the jail industries program. In addition, all offenders who receive a monetary wage while working in a jail industries program are required to contribute a reasonable portion of their wages toward: crime victims compensation, program fees, restitution, court fines and other legal financial obligations, family support, and/or savings.

Inmates working in free venture work programs are eligible for industrial insurance benefits. However, eligibility for temporary total disability or permanent total disability benefits does not take effect until the inmate is discharged from custody.

Funding for the board is generated through the establishment of fees charged to participating programs and the procurement of other local, state, and federal funds. Basic staffing for the board is provided by the Department of Corrections until a source of funding can be obtained.

**Votes on Final Passage:**

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

**Effective:** July 25, 1993

**HB 1035**

C 12 L 93

Correcting double amendments relating to support obligations.

By Representatives Appelwick, Padden and Ludwig; by request of Law Revision Commission.

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** Two separate bills that passed during the 1989 Legislative Session made different amendments to a statute concerning the collection procedure the Department of Social and Health Services must use when a child support order does not state the current or future support obligation as a fixed dollar amount. The Law Revision Commission reviewed the bills to combine the double amendments and to clarify the statute as combined.

**Summary:** The double amendments of a statute concerning child support obligation collection procedures are merged into one statute. Additional technical amendments are made to the merged statute. No substantive changes are made.

**Votes on Final Passage:**

House	96	0
Senate	40	0

**Effective:** July 25, 1993

**HB 1036**

C 7 L 93

Correcting a double amendment relating to funding bonds.

By Representatives H. Myers, Bray, Edmondson and Springer; by request of Law Revision Commission.

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** Legislation was enacted in 1983 altering a large number of statutes relating to bonds that local governments may issue. A wide range of changes were made reforming the statutes under which local governments issue and sell bonds. Among other changes, local governments were given the option to issue registered bonds or bearer bonds.

The 1983 legislation both repealed and amended RCW 85.07.080. The amendment to RCW 85.07.080 deleted language requiring certain bonds issued by diking or drainage districts to be registered bonds and retained language directing the purchaser of the bonds to pay the county treasurer for the bonds and that these moneys are to be used for the benefit of the diking or drainage district that issued the bonds.

## HB 1037

**Summary:** RCW 85.07.080, which was both amended and repealed in the same 1983 legislation, is repealed.

**Votes on Final Passage:**

House 95 0

Senate 40 0

**Effective:** July 25, 1993

## HB 1037

C 8 L 93

Correcting a double amendment relating to auction sales of county property.

By Representatives Bray, H. Myers and Edmondson; by request of Law Revision Commission.

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** RCW 36.34.080, relating to the sale of county property, was amended differently in two separate laws that were enacted in 1991.

The first amendment deleted language requiring the county legislative authority to direct where the sale will be held.

The second amendment granted counties the flexibility to sell the property using a private consignment auction or sealed bid process, in lieu of the traditional sale of the property at a public auction, and restricted the sale to the highest and best bidder over the minimum sale price.

**Summary:** RCW 36.34.080 is corrected to include both changes that were made to that statute in separate amendments that were enacted in 1991.

**Votes on Final Passage:**

House 95 0

Senate 40 0

**Effective:** July 25, 1993

## HB 1038

C 13 L 93

Correcting a double amendment related to authorized functions of health care assistants.

By Representative Dellwo; by request of Law Revision Commission.

House Committee on Health Care  
Senate Committee on Health & Human Services

**Background:** A section of the law pertaining to the scope of practice of a health care assistant was amended twice during the 1986 Legislative Session, each without reference to the other. The two amendments were drafted in a manner that could not be reconciled without the section appearing twice in the Washington statutes.

**Summary:** The section is reenacted incorporating the two disparate amendments in a manner consistent with proper drafting.

**Votes on Final Passage:**

House 97 0

Senate 40 0

**Effective:** July 25, 1993

## HB 1041

C 132 L 93

Altering a limit on family member group life insurance coverage.

By Representatives Zellinsky and Mielke.

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

**Background:** The Insurance Code limits the amount of group life insurance that may be provided by an employer to an employee's spouse or dependents. Dependents are limited to no more than 50 percent of the amount of insurance covering the employee or \$2,000 whichever is less; and spouses are limited to no more than 50 percent of the amount of insurance covering the employee.

**Summary:** The \$2,000 group life insurance coverage limit for dependents of an employee is repealed.

**Votes on Final Passage:**

House 95 0

Senate 40 0

**Effective:** July 25, 1993

## SHB 1047

C 286 L 93

Requiring solid waste reports and landfill fee reciprocity on waste received from outside the state.

By House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Valle, Long, Springer, Brough, Fomer, Miller, Edmondson, Lemmon, Tate, Chandler, Wood, Roland and J. Kohl).

House Committee on Environmental Affairs  
Senate Committee on Ecology & Parks

**Background:** One regional solid waste landfill is currently operating in Washington State and another is planned to open in 1993: the Rabanco Company is operating a site in Klickitat County with an estimated capacity in excess of 40 million tons, and a company owned by Waste Management Incorporated is planning a site in Adams County with an estimated capacity of 60 million tons. The combined residential, commercial, and industrial waste stream gener-



ated annually in Washington State is between 4 and 5 million tons.

Two regional landfills, with a total capacity of 100 million tons, are currently operating in Oregon. Seattle currently sends its waste to a facility in Arlington, Oregon. Oregon requires that Seattle's waste meet the same recycling standards that are imposed on waste generated in Oregon. Oregon also assesses a \$2.25 per ton fee on Seattle's waste. The fee charged by Oregon is based on a study identifying the additional costs associated with out-of-state waste.

Recent decisions by the U.S. Supreme Court have held that solid waste shipments are covered under the Commerce Clause of the U.S. Constitution and that states have the burden of proof in showing that differential fees do not discriminate against commerce on the basis of origin.

Under current law, there are no reporting requirements on out-of-state waste imported into this state, nor are there any provisions authorizing the Department of Ecology to assess a fee on such waste. Solid waste generated in this state must meet certain waste reduction and recycling requirements. There are no similar standards for out-of-state waste that is imported into this state.

**Summary:** Owners or operators of solid waste disposal facilities are required to notify the Department of Ecology 60 days before receiving solid waste generated from an out-of-state source. The department must prepare reporting guidelines. The guidelines must provide for less than 60 day notice for shipments of waste made on an emergency or short-term basis.

The Department of Ecology is directed to identify activities and costs necessary to ensure that out-of-state waste meets the waste reduction, recycling, and management standards required of waste generated within the state. The department is authorized to assess a fee sufficient to recover its costs incurred in assuring that out-of-state waste meets state standards. The Department of Ecology may delegate authority to implement the identified activities to a local health department.

The Department of Ecology may prohibit land disposal and incineration of solid waste generated outside of this state, if the entity generating the waste does not have waste reduction, recycling, and handling requirements comparable to those required in Washington State.

**Votes on Final Passage:**

House	95	0	
Senate	38	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** May 12, 1993

**SHB 1051**

C 251 L 93

Providing for restitution for certain emergency responses.

By House Committee on Judiciary (originally sponsored by Representatives Scott, Van Luven, Talcott, Riley, Foreman, Long, Orr, Brough, Former, Miller, Lemmon, Johanson, Tate, Vance, Wood, Cooke and Roland).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** When a person damages public property, he or she is generally subject to normal tort liability for the damage caused. That is, the person will be liable if he or she violated some duty of care and as a result caused the damage. Public entities may sue and be sued in the same manner as private entities.

In a certain number of cases, specific statutes also allow governmental entities to recover the costs of supplying governmental services. For instance fire protection districts and counties are authorized to collect reasonable fees for providing emergency medical services.

At least one state, California, has granted statutory authority for government to recover the cost of emergency responses to incidents caused by drunk drivers. Several local jurisdictions in that state have adopted procedures for billing persons charged with driving while intoxicated. Recoverable costs under this system include the salary paid to the arresting officer for the time spent on the response, the cost of any laboratory tests, and costs of operating any emergency vehicle. Failure to pay these costs can result in revocation of any probation granted the driver.

**Summary:** A state or local agency that makes an emergency response to an incident caused by a drunk driver, boater, or pilot may recover some of the costs of that response. The person causing the incident is liable for up to \$1,000 per incident. The person becomes liable to a responding agency upon conviction or deferred prosecution for a crime arising out of the incident.

Recoverable expenses are defined as reasonable direct costs incurred in reasonably making an appropriate response. The definition specifically includes expenses and salaries of police, coroner, fire fighting, rescue, emergency medical services and utility personnel who respond to the incident.

If more than one agency responds, and the actual costs exceed the amount recoverable, the agencies are to enter into an interlocal agreement for the apportionment of the recovered amount.

Payment of the costs of an emergency response may be made a part of a criminal sentence.

**Votes on Final Passage:**

House	95	0	
Senate	44	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** July 25, 1993

SHB 1057

C 154 L 93

Correcting double amendments relating to regulation of mobile and manufactured homes.

By House Committee on Trade, Economic Development & Housing (originally sponsored by Representatives Franklin, Zellinsky, Campbell and Springer).

House Committee on Trade, Economic Development & Housing

Senate Committee on Labor & Commerce

**Background:** In 1989, the Legislature enacted double code amendments of two statutes contained in the Motor Vehicle Law that pertained to mobile homes.

The definition of a "mobile home" was amended in two separate bills. Both bills required that the structure of a mobile home meet the requirements of the federal National Mobile Home Construction and Safety Standards Act of 1974. Only one of the bills, however, specifically stated that the definition does not include a modular home.

The statute that governs the transfer of ownership of a mobile home was also amended in two separate bills. One of the bills eliminated the requirement that both spouses must sign the title certificate to transfer ownership in a community mobile home. Eliminating this requirement is inconsistent with community property and homestead law.

The Washington Law Revision Commission is attempting to remove double amendments from the Revised Code of Washington in order to reduce conflicts in the interpretation of the law.

**Summary:** The definition of a mobile home is amended to specifically state that modular homes are not included within the definition.

The transfer of ownership of the mobile home requires all registered owners to sign the title certificate.

**Votes on Final Passage:**

House 96 0  
Senate 39 0

**Effective:** July 25, 1993

HB 1058

C 234 L 93

Providing for public hospital district chaplains.

By Representatives Franklin, Zellinsky, Campbell, Kremen, Padden and L. Johnson.

House Committee on Local Government

Senate Committee on Health & Human Services

**Background:** Public hospital districts are authorized to provide a variety of health related facilities and services.

**Summary:** Public hospital districts are authorized to employ chaplains for their hospitals, health care facilities, and hospice programs.

**Votes on Final Passage:**

House 58 37  
Senate 37 12 (Senate amended)  
House 60 34 (House concurred)

**Effective:** January 1, 1994, if constitutional amendment approved.

ESHB 1059

C 396 L 93

Regulating possession of weapons in court facilities.

By House Committee on Judiciary (originally sponsored by Representatives Franklin, Scott, Anderson, R. Fisher, Thibaudeau, Ludwig, Pruitt, Jacobsen, Flemming, J. Kohl, Wineberry, Riley, G. Cole, Fomer, Appelwick, Johanson, Karahalios and Wang).

House Committee on Judiciary

Senate Committee on Law & Justice

**Background:** It is a misdemeanor to knowingly possess or control a firearm in a courtroom or judge's chamber, while either place is being used for a judicial proceeding. Similarly, it also is a misdemeanor to knowingly possess or control a firearm in restricted areas of jails, restricted areas of public mental health facilities, and in places classified as off-limits to persons under 21 years of age by the state Liquor Control Board.

The prohibition does not apply to: (1) a person engaged in official military duties; (2) law enforcement personnel; or (3) security personnel while engaged in official duties. In the case of courtrooms or judge's chambers, it also does not apply to a judge or court employee, or any person with a concealed pistol license who, before entering the restricted area, obtains written permission from the court administrator.

It is not illegal to possess other dangerous weapons in the enumerated places. Neither is it illegal to possess firearms or other dangerous weapons in other parts of a court facility, nor in a courtroom or judge's chamber when not being used for a judicial proceeding.

In response to increasingly frequent reports of violent incidents in court facilities, it has been suggested that all dangerous weapons should be banned from all areas used in connection with court proceedings.

**Summary:** Weapons are prohibited in restricted areas of court facilities, jails, public mental health facilities, and in places classified as off-limits to persons under 21 years of age by the state Liquor Control Board. A weapon is defined as any firearm, explosive, instrument, or other refer-

enced weapon, e.g., slungshot, sand club, metal knuckles, and various types of knives.

In court facilities, restricted areas are those used in connection with court proceedings. The areas include courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas must be the minimum necessary to fulfill the objective of the act, and may not include common areas of ingress and egress when it is possible to protect court areas without restricting ingress to and egress from the building.

The local judicial authority must designate and clearly mark areas in court facilities where weapons are prohibited, and must post notices at each entrance to the court facility that weapons are prohibited in the restricted areas.

The exception for a judge, court employee, or person with a concealed pistol license is removed.

The local legislative authority must provide either a stationary locked box (sufficient in size for short firearms) and key within the building, or must designate an official within the building to receive weapons for safekeeping, during the owner's visit to restricted areas of the court facility. The local legislative authority is liable for any negligence causing the loss of or damage to a weapon placed in a locked box or left with a designated official.

**Votes on Final Passage:**

House	96	0	
Senate	40	2	(Senate amended)
House	96	0	(House concurred)

**Effective:** July 25, 1993

**SHB 1061**

C 235 L 93

Modifying irrigation district mergers.

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Chandler, Schoesler, Lisk, Grant, Hansen and Morton).

House Committee on Agriculture & Rural Development  
Senate Committee on Agriculture

**Background:** State law authorizes the consolidation of irrigation districts. After such a consolidation, a new board of directors is elected.

PROCEDURES

To accomplish a consolidation, 50 or a majority of the owners of irrigable land within a proposed consolidated district must petition the legislative authority of the county in which the proposed district is located requesting the consolidation. The proposed, district may include two or more irrigation districts and other irrigable lands. Unless the board of directors of one or more of the existing irrigation districts passes a resolution opposing the consolida-

tion, the county legislative authority must call an election on the proposal. The proposal is approved if it receives a two-thirds majority vote in each of the existing irrigation districts and a two-thirds majority vote in areas outside of the existing districts but within the proposed district.

TRANSFER OF POWERS, DEBTS, AND PROPERTIES

The consolidated district inherits all of the powers, obligations, and properties of the irrigation districts which were included in the consolidation. Separate funds must be maintained for each of the old districts until the debts of these districts are paid and any assessments owed to them are collected. Local improvement districts may be formed by the new board to satisfy the obligations of the old districts. District-related obligations of lands which were incurred before the consolidation constitute prior liens to any obligation incurred against the lands under the new district.

**Summary:** Special procedures are established for permitting one or more smaller irrigation districts and a larger irrigation district to merge to form a new district. The board of directors of the larger district becomes the board of directors of the district created by the merger. In such a process, the smaller district or districts are referred to as "minor" districts and the larger district is referred to as the "major" district. Only one district may be a major district and the assessed acreage in all of the minor districts, taken collectively, cannot constitute more than 30 percent of the combined assessed acreage of the district to be created by the merger.

PROCEDURES

To initiate this process, the board of directors of a minor district must petition the board of directors of a major district to consider a merger. If the board of the major district denies the request, the process is terminated. If the board of the major district does not deny the request, it must provide notice and hold a public hearing on the proposal. Unless the owners of at least 20 percent of the assessed lands within the major district oppose the merger by filing a protest with the board of the major district at or before the hearing, the board is free to approve the merger request. If a protest is filed, the merger may be approved by the major district only if it is approved, by a simple majority vote, in a special election conducted in the major district on the issue.

To be approved in a minor district, the proposal must be approved by a simple majority vote at a special election conducted in the minor district on the proposal. If elections must be held in the major and minor districts, the elections must be held concurrently.

MERGER

If the proposed merger is approved by the major district and one or more minor districts, the approving minor districts are merged into the major district. The powers, obligations, and properties of the merging districts are transferred to the district created by the merger. All district-related obligations incurred by lands or by a district before the merger are prior liens to any obligation that may be

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incurred against the lands or the new district after the merger. As is provided by current law for the consolidation of districts: separate funds must be maintained for premerger assessments and indebtedness; local improvement districts may be established to carry out premerger obligations; the bonds of the old districts may be exchanged for the bonds of the new district; and contracts of the United States with the old districts may be exchanged for contracts between the new district and the United States.

If the major district was divided into director divisions, the new district must be redistricted to reflect the merger. The redistricting plans must be filed with the county before the merger is approved. The provisions of current law regarding boundary review boards and their authorities do not apply to irrigation district mergers.

This merger procedure does not authorize the impairment of existing water rights.

### Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 25, 1993

## HB 1062

C 72 L 93

Repealing the sunset provisions for the IMPACT center.

By Representatives Rayburn, Chandler, Schoesler, Kremen, Grant, Roland, Sheahan, Lemmon, Morton and Lisk.

House Committee on Agriculture & Rural Development  
Senate Committee on Agriculture

**Background:** The International Marketing Program for Agricultural Commodities and Trade (IMPACT) at Washington State University was created by statute. It was created to address international marketing problems and opportunities and to provide related instruction, all with an emphasis on practical solutions to problems.

The Legislature created the program on a provisional basis in 1984 and gave it "permanent" status in 1985. The bill granting it permanent status also placed the program on the list for review under the state's Sunset Act. As a part of that process, the program was given a termination date of June 30, 1990. In 1988, the termination date was extended to June 30, 1992.

Under the Sunset Act, programs placed on the sunset list are reviewed by the Legislative Budget Committee (LBC). In October 1991, the LBC approved and issued its final sunset report on IMPACT.

During the 1992 Regular Session, the Legislature extended the termination date of IMPACT to June 30, 1996.

**Summary:** The IMPACT program and center at Washington State University are removed from termination under the Sunset Act.

### Votes on Final Passage:

House	92	0
Senate	45	0

Effective: July 25, 1993

## SHB 1063

C 160 L 93

Modifying provisions regarding the Washington wine commission.

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Chandler, Chappell, Grant, Roland, Ludwig, Riley, Padden, Hansen, Lemmon and Lisk).

House Committee on Agriculture & Rural Development  
House Committee on Revenue  
Senate Committee on Agriculture

**Background:** In 1987, the Legislature created the Washington Wine Commission to promote Washington wine and to serve other, related interests of those who grow wine grapes and produce wine in this state. The commission is composed of 11 voting members, five of whom are growers of vinifera grapes, five of whom are wine producers, and one of whom is a licensed wine wholesaler. The commission also has two nonvoting members: one wine producer whose principal products are produced from fruit other than vinifera grapes; and the director of the Department of Agriculture, or the director's designee.

The commission is funded, in part, by assessments on wine producers and growers of vinifera grapes. The commission also receives the revenues from a tax of 0.25 cents per liter on wine sold to wine wholesalers or to the state's Liquor Control Board. This tax expires on July 1, 1993.

As part of its promotional activities, such as wine tasting competitions and fairs, the commission may purchase or receive donations of Washington wine.

**Summary:** The portion of the wine tax which is used to support the activities of the commission no longer expires on July 1, 1993. It now expires on July 1, 2001. The Washington Wine Commission may also purchase or receive wines produced outside of this state for use in its promotional activities.

### Votes on Final Passage:

House	97	0
Senate	45	0

Effective: July 1, 1993



**SHB 1064**

C 68 L 93

Requiring the adoption of a policy prohibiting corporal punishment in schools.

By House Committee on Education (originally sponsored by Representatives G. Cole, Van Luven, G. Fisher, Cothern, Dom, Holm, Leonard, Jones, Rust, R. Fisher, Jacobsen, King, Dellwo, Scott, Morris, Wang, Thibaudeau, Romero, Valle, Pruitt, Appelwick, Basich, J. Kohl, Anderson, Ogden, H. Myers, Wineberry, Riley, Brown, Long, Orr, Shin, Horn, Forner, Eide, Wolfe, Johanson, Kessler and Veloria).

House Committee on Education  
Senate Committee on Education

**Background:** A school district is authorized by law to use corporal punishment to discipline children, if the punishment is imposed outside the view of other students, by an authorized employee while witnessed by another employee. No cruel or unusual form of corporal punishment, and only reasonable and moderate force, may be used. In addition, no form of corporal punishment may be inflicted upon a student's head.

Upon request, the school district must provide the student's parents or guardian with a written explanation of the reason or reasons for the corporal punishment, and the name of the witness.

A 1992 attorney general opinion concluded the State Board of Education currently lacks the authority to ban corporal punishment.

According to the national PTA, 22 states prohibit the use of corporal punishment in disciplining students. Proposed legislation to prohibit the use of corporal punishment in Washington schools has been introduced several times in past years.

**Summary:** Corporal punishment in the common schools is prohibited.

By February 1, 1994, the State Board of Education, in consultation with the Office of the Superintendent of Public Instruction, must adopt a policy prohibiting the use of corporal punishment in common schools. The policy is to take effect in all school districts September 1, 1994.

**Votes on Final Passage:**

House	80	15
Senate	31	16

**Effective:** July 25, 1993

**EHB 1067**

C 397 L 93

Providing for correctional employees collective bargaining.

By Representatives Orr, Mielke, Dellwo, King, Franklin, Ludwig, Riley, Brown, Jones, Holm, Chappell, Pruitt and J. Kohl.

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

**Background:** County employees bargain their wages and working conditions under the Public Employees' Collective Bargaining Act (PECBA). For uniformed personnel, the act recognizes the public policy against strikes as a means of settling labor disputes. To resolve disputes involving these uniformed personnel, the PECBA requires binding arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation.

Correctional employees working in county jail facilities are not "uniformed personnel" covered by the PECBA's binding interest arbitration procedures. Uniformed personnel are defined as fire fighters in all cities and counties and law enforcement officers in the larger jurisdictions - in cities with a population of 15,000 or more, and in counties with a population of 70,000 or more. Law enforcement officers include county sheriffs and deputy sheriffs, city police officers, or town marshals.

**Summary:** The binding interest arbitration provisions for uniformed personnel in the Public Employees' Collective Bargaining Act are extended to correctional employees of counties with a population of 70,000 or more, who are trained for and charged with responsibility for custody of inmates in a jail.

**Votes on Final Passage:**

House	91	2	
Senate	30	16	(Senate amended)
House	94	2	(House concurred)

**Effective:** July 25, 1993

**HB 1068**

C 287 L 93

Providing for registration of transfer on death securities.

By Representatives Padden, Appelwick, Ludwig, Riley, Chappell, Campbell, Schmidt, Long, Tate, Ballasiotes, Dyer, Johanson and Thomas.

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** Under current Washington law, two means exist by which securities can be transferred upon the death of an owner, without first going through probate; one way is to hold the securities in joint tenancy with right of survi-

vorship, and the other is to make them part of a community property agreement.

If the securities are held in joint tenancy, the surviving joint tenant or tenants become the owner(s). If two spouses enter into a community property agreement, securities covered by that agreement become the sole property of the surviving spouse.

These methods permit the automatic transfer of ownership upon an owner's death, but require shared ownership during the owner's lifetime.

The American Bar Association has approved model legislation, the Uniform Transfer On Death (TOD) Security Registration Act (UTODA). That proposal enables a security owner, while retaining all normal rights of ownership during his or her lifetime, to designate an individual or other entity that will automatically become the security owner upon the current owner's death. The UTODA or similar legislation recently has been adopted in the states of Colorado, Missouri, New Mexico, North Dakota, Oregon, and Wisconsin. Such legislation reportedly also is under consideration in the states of Alaska, Minnesota, and New York.

**Summary:** A new form of security ownership is created, enabling a security owner to designate one or more beneficiaries who will become the security owner or owners upon the current owner's death. The ownership of the security passes to the designated beneficiary or beneficiaries outside of probate.

Any natural person or natural persons holding as joint tenants with rights of survivorship, either as separate or community property, may own a security registered in such beneficiary form. Security owners other than natural persons are ineligible since such owners may have perpetual existence.

Any person or entity except a custodian under the Uniform Gifts to Minors Act (UGMA) or the Uniform Transfers to Minors Act (UGTA) may be a designated beneficiary. A custodian under the UGMA or the UTMA may not be a designated beneficiary in part due to uncertainty the custodian or minor will survive the owner.

The designation of a "transfer-on-death" (TOD) or "pay on death" (POD) beneficiary on a security registration has no effect on ownership prior to the death of the owner or owners. Before then, the owner or owners may cancel or change the designation at any time, without the consent of the beneficiary. Nor does the designation of a TOD or POD beneficiary have an effect on the community property rights and obligations of owners.

A registration made at a time or location where this or a substantially identical law was not in effect is presumed valid and authorized as a matter of contract law.

A registering entity, such as either a broker maintaining security accounts or a transfer agent, is not required to offer security registrations in beneficiary form, and may establish the terms and conditions under which it will do so.

On proof of death of all owners, and compliance with any requirements of the registering entity, a security registered in beneficiary form may be reregistered in the name of the surviving beneficiary or beneficiaries. If no beneficiary survives the death of all owners, the security belongs to the estate of the deceased sole owner, or the estate of the last to die of all multiple owners.

Upon the death of the owner or owners, the registering entity is not liable to adverse claimants to a security, provided the entity acts in good faith, and without written objection from an adverse claimant.

**Votes on Final Passage:**

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

**Effective:** July 25, 1993

**SHB 1069**

C 288 L 93

Providing for seizure of property involved in a felony.

By House Committee on Judiciary (originally sponsored by Representatives Ludwig, Mielke, Riley, Mastin, Bray, Orr, Vance, H. Myers, Lisk, R. Johnson, Grant, Basich, Edmondson, Schmidt, Campbell, Van Luven, Rayburn, Foreman, Ballasiotes, Long, Kremen, Brough, Brumsickle, Horn, Former, Karahalios, Chandler, Wood, Cooke, Roland and Silver).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** State law contains several provisions authorizing law enforcement agencies to seek the forfeiture of property that has been used in or procured through the commission of certain crimes. For instance, the Uniform Controlled Substances Act includes a provision authorizing forfeiture of real and personal property when the property has been employed in the commission of a drug law violation, or has been acquired with the proceeds of illegal drug activity.

Forfeiture under existing laws is a civil procedure and it does not rely on a criminal arrest, charge, or conviction. Because it is a civil proceeding, the burden of proof on the law enforcement agency is a preponderance of the evidence, rather than "beyond a reasonable doubt."

Under the drug law, the forfeited property may be disposed of in a number of ways, including sale or retention by the law enforcement agency. However, a law enforcement agency must remit to the state 10 percent of the net value of any forfeited property. Net value is determined by the sale price if the property is sold, or by appraised value if it is retained, and is net of any security interest, landlord's claim, and costs of sale or appraisal. The 10 percent remitted to the state is deposited in the drug enforcement and education account.

Following the so-called "Son of Sam" killings in New York in 1977, several states, including Washington, passed laws to prohibit criminals from profiting from their crimes. Typically these laws were aimed at profits that might be made by a criminal from publishing or broadcasting his or her account of the crime.

Washington's law allows money from a charged or convicted person's interest in a contract for the sale of his or her story to be placed in an escrow account for the benefit of victims. The money is to be held for five years, during which time victims may bring civil suits to recover damages from the charged or convicted person. If charges are dismissed or if the person charged is acquitted, the money is to be returned to him or her. If after five years there are no civil actions pending for the money in the account, one-half of it is to be returned to the charged or convicted person, and one-half of it is to go to the crime victims' compensation fund.

New York's law, which is nearly identical to Washington's law, was struck down by the United States Supreme Court in Simon & Schuster, Inc. v. New York State Crime Victims Board. The court found that, although there is a compelling state interest in compensating victims of crime and in preventing criminals from benefiting from their crimes, the statute was not narrowly enough tailored to those ends. Because the statute imposed a content-based restriction on free speech, it could only have been upheld if it were narrowly aimed at those compelling state interests. Some members of the court also indicated that in at least one respect, the statute may actually be too narrow.

Features of the Washington law that may make it subject to the court's holding include:

- (1) The statute may be too broad because it covers any gross misdemeanor or felony, whether or not there was an identifiable victim.
- (2) The statute may be too broad because it has no period of limitation.
- (3) The statute may be too broad because it allows the state to take all of the proceeds of a book, movie, or other depiction, even though only a portion of the depiction deals with a crime.
- (4) The statute may not be broad enough, because it applies only to "speech" related activities from which a criminal may profit.

In addition to this "profits of crime" law, there are other potential remedies that victims may seek against criminals. A civil suit by a victim or a wrongful death action by a victim's survivors may be brought. A judgment entered for the victim under such a suit could include recovery of both special damages, e.g., out-of-pocket expenses and future economic losses, and general damages, e.g., emotional harm, pain, and suffering. Also, at the time of sentencing, the court may impose victim restitution on the defendant. Restitution is limited to easily ascertainable damages for personal injury or property loss, actual expenses for medical treatment, and lost wages.

**Summary:** Two new property forfeiture laws are enacted. One is a general forfeiture law that applies to personal property used in or acquired in any felony crime. The other is a forfeiture law that applies to property acquired as profits from a criminal act.

#### GENERAL FORFEITURE

A general forfeiture statute is enacted covering personal property used in, or acquired through, the commission of any felony crime not already covered by a specific forfeiture law. However, under this general forfeiture law, property may not be seized or forfeited until after the owner of the property has been convicted of the crime that gives rise to the forfeiture action.

All personal property used in, or acquired through, the commission of any felony is subject to forfeiture. Any law enforcement agency is authorized to seize such property.

The procedural requirements for a forfeiture are comparable to those contained in the Uniform Controlled Substances Act. Seizure of property may be made upon process issued by any superior court or without such process if seizure is necessary to preserve the public health and welfare. Within 15 days after seizure, the law enforcement agency is to serve notice of the seizure on all known holders of interest in the property. Specific notice requirements apply to secured parties with perfected security interests.

Any person responding within 45 days of a notice of seizure is entitled to an opportunity to be heard. That hearing may be an administrative hearing before the chief law enforcement officer of the seizing agency or, at the election of the responding person, the case may be removed to a court of competent jurisdiction. Specific procedures, including notice requirements, are provided for the removal of a case to a court.

No property will be forfeited if the felony was committed without the consent or knowledge of the owner. A forfeiture of property encumbered by a security interest is subject to the interest of a secured party who neither had knowledge of nor consented to the commission of the felony at the time the security interest was created.

The law enforcement agency that seizes the property and causes the forfeiture may retain the property or sell it. Ten percent of the net value of forfeited property must be remitted to the state public safety and education account.

#### CRIMINAL PROFITS FORFEITURE

A new procedure is established for compensating the victims of crime and for preventing criminals from profiting from their crimes.

Property acquired by a convicted person as the result of his or her crime is subject to forfeiture. The prosecuting attorney in the county of conviction may seize the property. Procedures for seizure, notice and hearing are the same as under the general forfeiture law.

The following limitations and conditions apply:

- (1) Forfeiture is available only for crimes for which there is a victim;

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- (2) Forfeitures are subject to a period of limitation equal to the maximum sentence of incarceration that could have been imposed for the crime in question;
- (3) Forfeiture is available only to the extent the property in question was acquired as a result of the commission of the crime; and
- (4) Forfeiture applies to any tangible or intangible property acquired as a result of the crime. The property covered includes, but is not limited to, payment for any reenactment, depiction or account of the crime and any expression of the convicted person's thoughts, feelings, opinions, or emotions regarding the crime.

The proceeds of a forfeiture are to be distributed as follows: first, to the satisfaction of any judgment or restitution owed any victim; second, to the payment of the legal expenses of bringing the action; and third, to the crime victims' compensation fund. The court may establish escrow accounts or other arrangements to carry out the distribution of proceeds.

### Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House			(House refused to concur)

### Conference Committee

Senate	41	1
House	96	0

Effective: July 25, 1993

## SHB 1072

C 289 L 93

Changing provisions relating to guardians ad litem.

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

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** A general statute governing family courts provides that courts may appoint guardians ad litem for children in family law matters. Courts must appoint a guardian or guardian ad litem in paternity actions. Statutes governing divorce actions and nonparental actions for child custody do not expressly authorize courts to appoint guardians ad litem. Those statutes provide that the court may order juvenile court staff or other professional social service organizations to investigate the case and to report to the court.

King County has created a court appointed special advocate (CASA) program for family court. The CASA program has a professional staff that supervises volunteers who act as guardians ad litem in family law cases. The CASA program, rather than a particular guardian ad litem, is generally assigned to the case. The CASA program's guardians ad litem may or may not have the same authority

and responsibilities assigned to private guardians ad litem in other cases. No existing statutory provision defines the CASA program's role and responsibilities.

Parents pay for the guardian ad litem costs based upon the parents' ability to pay. If the parents are indigent, the county pays the cost of the guardian ad litem, subject to appropriation by the county legislative authority.

**Summary:** Courts are expressly authorized to appoint guardians ad litem to represent the best interests of children in marriage dissolution actions, nonparental actions for child custody, and other family court matters. If the court appoints a guardian ad litem, the guardian ad litem may conduct a court ordered investigation and prepare a report to the court.

If a county has a CASA program, the court may appoint a guardian ad litem from the program. The program will supervise any guardian ad litem assigned to the case. Unless otherwise ordered, the CASA guardian ad litem's role is to investigate and report to the court concerning parenting arrangements for the child and to represent the child's best interests. The CASA program is entitled to notice of all proceedings in the case.

Guardian ad litem programs must maintain background information on all guardians ad litem. The information must include information concerning the guardian's ad litem: (1) level of formal education; (2) training; (3) number of years of experience as a guardian ad litem; (4) number of appointments; and (5) criminal history. The information must be updated annually. If the appointed guardian ad litem is not from a program, the guardian ad litem must present the background information to the court.

The county legislative authority may authorize creation of a CASA program. Counties will continue to bear the cost of guardians ad litem.

### Votes on Final Passage:

House	96	0	
Senate	41	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 1993

## HB 1074

C 290 L 93

Regulating corporations.

By Representatives Ludwig, Padden, Appelwick and Johanson.

House Committee on Judiciary  
Senate Committee on Law & Justice

### **Background:** SHAREHOLDER AGREEMENTS

The Washington Business Corporations Act, as amended by the Legislature in 1989, governs the operation of corporations within the state.

Many of the provisions in the act are designed to protect the interests of minority shareholders or shareholders without voting power. The act also controls the relationship between the shareholders and the board of directors and officers of a corporation. In what are sometimes referred to as "closely held" corporations, the stock of the company is owned by a relatively small number of shareholders. Examples of closely held corporations range from family businesses in which all shares are owned by family members, to joint ventures that are established as corporations in which all the stock is held by other, publicly held, corporations. Many forms of agreements between shareholders have been developed over the years in closely held corporations. These kinds of agreements have sometimes been invalidated on grounds that they do not meet the requirements of the Business Corporations Act as to form or substance. The Washington State Bar Association is recommending the adoption of statutory provisions explicitly validating some forms of shareholder agreements in closely held corporations.

#### PROFESSIONAL CORPORATIONS

The Professional Service Corporations Act provides special rules for the incorporation of businesses conducted by accountants, architects, doctors, lawyers, or other professionals. The Professional Service Corporations Act provides that if a professional service corporation uses any term in its name that indicates it is a corporation, the name must also include the abbreviation "P.S." or "P.C." The Business Corporations Act, on the other hand, prescribes the naming of business corporations. A business corporation name must contain the word "corporation," "incorporated," "company," or "limited," or the abbreviation "corp.," "inc.," or "ltd."

Another law outside of the Business Corporation Act that affects corporations is the Employment Security Act. A provision in this law exempts corporate officers from the unemployment compensation law. The unemployment law describes corporate officers by specifically referring to "president," "vice-president," "secretary," and "treasurer." The Business Corporations Act allows a corporation to establish the designation and number of its officers in its bylaws.

The Washington State Bar Association has proposed technical changes relating to the designation of a professional corporation and to the coverage of corporate officers by the unemployment compensation law.

#### CORPORATE DISSOLUTION

The Business Corporations Act establishes specific criteria for the dissolution of a corporation by action in the superior court. The attorney general may seek corporate dissolution on grounds related to fraudulent incorporation or abuse of lawful authority. A creditor may seek dissolution on grounds of corporate insolvency. A corporation may also have its voluntary dissolution supervised by the court. In addition, a shareholder may seek dissolution on various grounds. These grounds include that the directors

are engaged in illegal activity, that the shareholders cannot reach agreement on the election of directors, that irreparable injury will result to the corporation because of a management deadlock, or that corporate assets are being wasted.

#### Summary:

#### SHAREHOLDER AGREEMENTS

Generally, a shareholder agreement among the shareholders of a corporation is valid even if the agreement violates other provisions of the Business Corporations Act. This authorization regarding shareholder agreements is restricted in several ways. These restrictions include:

- (1) The authorization applies only to corporations whose shares are not listed on a national exchange and are not regularly traded in a market maintained by a national securities association.
- (2) The authorization applies only to agreements that are signed by all shareholders in the corporation. Unless the agreement provides otherwise, amendments to the agreement must also be unanimous.

Specific examples are provided of the kinds of shareholder agreements that are authorized. A shareholder agreement may do any of the following, even though inconsistent with the rest of the corporations act:

- (1) restrict or eliminate the board of directors;
- (2) authorize distributions not in proportion to share;
- (3) ownership;
- (4) establish directors and officers;
- (5) establish voting rights of shareholders and directors;
- (6) transfer property or services between the corporation and any shareholder, director, officer or employee;
- (7) give to any person the power to exercise all corporate powers and to manage the business;
- (8) resolve director or shareholder deadlocks;
- (9) set the conditions for dissolution; and
- (10) otherwise exercise corporate powers and manage the business in a manner not contrary to public policy.

Rules are established regarding the rights and obligations of subsequent purchasers of shares in a corporation that is subject to a shareholder agreement. Stock certificates of such a corporation must indicate the existence of the agreement. Purchasers without knowledge of the agreement may rescind the purchase.

To the extent that a shareholder agreement transfers the powers of the board of directors to another person, liability for the exercise of those powers is also transferred.

Even if an agreement treats a corporation as though it were a partnership, the agreement is not grounds for imposing personal liability on a shareholder.

#### PROFESSIONAL CORPORATIONS

The corporate name of a professional service corporation must contain either the words "professional service" or "professional corporation" or the abbreviations "P.S." or "P.C." The corporate name may also contain the words "corporation," "incorporated," "company," or "limited," or the abbreviation "corp.," "inc.," "co.," or "ltd." A provision



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of the Employment Security Act that identifies corporate officers is amended to conform to the Washington Business Corporation Act's designation of those officers.

### CORPORATE DISSOLUTION

An additional ground upon which a shareholder may seek the dissolution of a corporation is provided. That ground is that the corporation has ceased all business activity and has failed to dissolve itself within a reasonable time.

#### Votes on Final Passage:

House	97	0	
Senate	42	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 25, 1993

## HB 1075

C 73 L 93

Updating references in probate and trust law to the Internal Revenue Code.

By Representatives Padden, Appelwick, Ludwig and Johanson.

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** A number of Washington statutes governing probate and trust law and estate taxation refer to the federal Internal Revenue Code. Many of those references are outdated cross-references to the Internal Revenue Code of 1954. The current Internal Revenue Code was adopted in 1986.

Washington statutes governing marital deduction gifts in trust follow the definitions and requirements of the Internal Revenue Code. The Internal Revenue Code requires that no distributions from a "qualified domestic trust" may be made, other than a distribution of income, unless the trustee of the trust has the right to withhold from the distribution the tax imposed under the Internal Revenue Code. Washington statutes do not reflect this requirement.

**Summary:** A new definition of "Internal Revenue Code" is added to the general provisions governing probate and estate taxation. "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended or renumbered on the effective date of this act. Additional and unnecessary references to the Internal Revenue Code are deleted and other references are updated.

Provisions governing marital deductions are updated to reflect the federal tax law requirement that no distributions from a "qualified domestic trust" may be made, other than a distribution of income, unless the trustee has the right to withhold from the distribution the tax imposed under the Internal Revenue Code.

#### Votes on Final Passage:

House	96	0
Senate	46	0

Effective: July 25, 1993

## HB 1076

C 161 L 93

Allowing a personal representative with nonintervention powers to determine time and manner of distributing income.

By Representatives Ludwig, Padden, Appelwick, Orr and Johanson.

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** Beneficiaries of a will who are bequeathed a specific gift, such as stock in a company, are entitled to income earned on the gift during the administration of the testator's estate. Beneficiaries of a monetary interest, such as a specific sum of money, are not entitled to income earned on the money during the estate's administration.

The law is unclear regarding distributions of income to residuary beneficiaries. Residuary beneficiaries are beneficiaries that receive the "residue" of the estate after specific gifts have been distributed. The law specifies how the income rights of residuary beneficiaries are to be determined, but it does not specify when a personal representative may distribute income to the beneficiaries.

The law also does not state when estate income may be distributed to income beneficiaries of testamentary trusts who will eventually receive income accruing during estate administration, or to beneficiaries of testamentary trusts who may receive income accruing during administration.

Most Washington estates are administered under "non-intervention" powers, which gives the personal representative very broad powers of administration without court approval or intervention. Based upon the broad non-intervention power, personal representatives have made distributions, without first obtaining a court order, of estate income to residuary beneficiaries, testamentary trust beneficiaries who are entitled to receive that income eventually, and in some cases, to testamentary trust beneficiaries who may be entitled to that income on a discretionary basis.

In addition to the concern that personal representatives' power to make distributions without court approval is not explicitly acknowledged in statute, concern exists that the federal Internal Revenue Service may not acknowledge that power and consequently may not respect the representatives' reporting of these distributions as deductible by the estate. If the Internal Revenue Service does not acknowledge the legitimacy of the distribution, then the estate rather than the beneficiaries may be taxed on the income. A recent federal case suggested that the Internal Revenue Service could begin disallowing estate income

tax return deductions if state law did not clearly authorize those income distributions.

The Washington State Bar Association recommends that state law be amended to clarify the power of the personal representatives.

**Summary:** A personal representative of an estate who has been granted nonintervention powers may determine the time and manner of distributing the income to a beneficiary entitled to receive the income including: (1) a residuary beneficiary; (2) a testamentary trust beneficiary to whom trust income must be distributed; and (3) a testamentary trust beneficiary to whom trust income may be distributed if the trustee named in the will approves or ratifies the distribution.

**Votes on Final Passage:**

House	97	0
Senate	47	0

**Effective:** July 25, 1993

## SHB 1077

C 236 L 93

Providing for the revocation of nonprobate asset arrangements for divorce or invalidation of marriage.

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

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** When a married couple divorces, one or both former spouses may still have a will or other legal instrument that leaves an asset to the former spouse. A question may arise concerning whether the now divorced person still wants to leave property to his or her former spouse.

A Washington statute provides that if a divorce follows the making of a will, the will is revoked with respect to the divorced spouse. Of course, a divorced person who wants to leave property to a former spouse can overcome this statutory provision by making a new will. The statute, however, assumes that most people would prefer to have the will revoked as to a former spouse.

A variety of instruments other than a will may also leave assets to one spouse upon the death of the other. Such instruments include certain trust provisions, payable-on-death bank accounts, insurance policies, retirement accounts, and annuities. Assets created by these instruments are sometimes called "nonprobate assets." A 1984 Washington State Supreme Court decision, Aetna Life Insurance v. Wadsworth, held that a divorced former husband's designation of his former wife as beneficiary under his life insurance policy was valid, although the divorce decree had specifically purported to divest the former wife of her interest in the policy. This treatment of a nonprobate asset

has been criticized as contrary to what most divorced persons would want.

The Washington State Bar Association has recommended that nonprobate instruments leaving assets to a spouse be automatically revoked upon the dissolution of the marriage.

**Summary:** Generally, any instrument leaving nonprobate assets of one spouse to the other is revoked upon the dissolution or invalidation of the marriage.

This automatic revocation does not apply in the following three situations. First, it does not apply if the nonprobate instrument itself provides otherwise. Second, it does not apply if the decree of dissolution requires the maintenance of the nonprobate asset for the benefit of children of the marriage or for the benefit of the former spouse. Third, automatic revocation does not apply if immediately after the dissolution or invalidation of the marriage, the instrument could not have been unilaterally revoked.

Standards of liability are provided for parties who take actions based on an instrument at the death of its maker, notwithstanding the instrument's invalidity because of the prior dissolution of the maker's marriage. These liability provisions apply to those who make payments or transfers under a nonprobate instrument, and those who purchase or receive assets or payments. Generally, a payor is not liable for payments made before he or she had actual notice of the dissolution. On the other hand, a payor need not make payments if he or she has actual knowledge or is uncertain about a possible dispute involving payments. If a payor has actual knowledge of a dispute, he or she may condition payments on execution of a bond by the payee. Generally, a purchaser has no liability and no obligation to return payments if he or she had no actual knowledge of the revocation of the instrument because of a dissolution and he or she paid for the asset or received it in satisfaction of a legally enforceable obligation.

**Votes on Final Passage:**

House	91	0	
Senate	44	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** July 25, 1993

## HB 1078

C 291 L 93

Regulating the passing of interests at death.

By Representatives Appelwick, Padden, Ludwig, Orr and Johanson.

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** A Washington statute provides that a variety of instruments can effectively dispose of property at death without being signed with the formalities of a Washington will. For example, property may transfer through an insur-

ance policy, contract of employment, bond, mortgage, promissory note, deposit agreement, pension plan, joint tenancy, community property agreement, or other instruments. This statute sets forth the criteria for a valid transfer of property through the instruments.

In 1988, the Washington Supreme Court interpreted the statute as validating those transfers regardless of whether the transfer instruments were otherwise valid, if abundant evidence existed that the property owner intended that ownership pass at death. As a result, disputes have arisen over otherwise invalid lifetime estate planning instruments. The Washington State Bar Association recommends that the law be clarified to state clearly that estate planning instruments of transfer must be otherwise valid before they are effective.

Special rules apply to small estates of decedents whose estates consist entirely of personal property. The successor in interest to the decedent's personal property which is possessed by others has a right to obtain that personal property from the entity or person in possession of it. The successor obtains the property through use of a special affidavit procedure.

For example, a bank may be in possession of money in the decedent's bank account. To obtain the money in the account, the successor in interest must give the bank an affidavit which states, among other things, that the decedent's estate does not exceed the value of the homestead exemption. The current value of the homestead exemption is \$30,000. The bank is released from liability for giving the successor the money in the account unless the person or entity has actual knowledge that the affidavit is false.

California has a similar procedure but the limit on the estate value is \$60,000 instead of \$30,000.

**Summary:** The statute permitting various instruments to dispose of property at death is repealed and a new statute adopted. The new statute provides that an otherwise effective written instrument is not testamentary solely because the instrument contains a provision for a nonprobate transfer of property at death.

The new provision explicitly provides that the sections only purpose is to eliminate any requirement that instruments of transfer comply with formalities for executing wills. The provision does not make a written instrument effective as a contract, gift, conveyance, deed, or trust that would not otherwise be effective.

The provisions in the repealed statute governing joint tenancy of safety deposit boxes are recodified without amendment in a separate section.

For small estates consisting entirely of personal property, the affidavit procedure to obtain the property may be used for estates with a value not exceeding \$60,000.

**Votes on Final Passage:**

House 96 0  
Senate 47 0 (Senate amended)  
House 95 1 (House concurred)

**Effective:** July 25, 1993

Correcting an error in procedure for review of eminent domain judgments.

By Representatives Appelwick, Padden, Ludwig, Orr, Basich and Johanson; by request of Law Revision Commission.

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** In 1988, a bill was enacted making major changes in the laws concerning appellate procedure. One section of the bill concerned appellate review of final judgments in eminent domain proceedings by cities. The former law provided that appeals from final judgments in eminent domain proceedings could not delay the property's condemnation or improvement if the city paid into court for the interested parties the amount of the judgment and costs. The city would also be liable for further compensation if the condemnation's opponents prevailed on appeal.

In the 1988 revision, the provision was inadvertently rewritten to provide that if appellate review is sought, the review "shall delay proceedings under said ordinance, if such city shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs..."

The Law Revision Commission has requested legislation to correct the inadvertent error.

**Summary:** An inadvertent error in the Revised Code of Washington is corrected. If appellate review is sought from a final judgment in an eminent domain proceeding, the review will not delay proceedings under the city ordinance, if the city pays into court for the owners and interested parties the amount of the judgment and costs.

**Votes on Final Passage:**

House 96 0  
Senate 40 0

**Effective:** April 12, 1993

Redefining uniformed personnel for public employee collective bargaining.

By Representatives Heavey and Eide.

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

**Background:** Employees of cities, counties, and other political subdivisions of the state bargain their wages and working conditions under the Public Employees' Collective Bargaining Act (PECBA). For uniformed personnel,

the act recognizes the public policy against strikes as a means of settling labor disputes. To resolve disputes involving these uniformed personnel, the PECBA requires binding arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation.

Uniformed personnel include fire fighters in all cities and counties and law enforcement officers in the larger jurisdictions - in cities with a population of 15,000 or more, and in counties with a population of 70,000 or more. Law enforcement officers include county sheriffs and deputy sheriffs, city police officers, or town marshals.

The binding interest arbitration provisions also apply to publicly employed advanced life support technicians, except those employed by a public hospital district.

Port district employees also collectively bargain under the PECBA, unless different collective bargaining procedures are specified in the port district authorization statutes. Except for certain fire fighters in the Law Enforcement Officers' and Fire Fighter's (LEOFF) Retirement System, these employees are not covered by the PECBA's binding interest arbitration procedures.

**Summary:** The binding interest arbitration provisions of the Public Employees' Collective Bargaining Act for uniformed personnel are extended to:

- (1) employees of port districts performing fire fighting duties if the port district is in a county with a population of 1 million or more;
- (2) public fire department employees who dispatch exclusively for fire or emergency medical services;
- (3) advanced life support technicians who are employed by public hospital districts; and
- (4) security forces established by a municipal corporation authorized to construct or operate nuclear power plants.

Beginning on July 1, 1995, the binding interest arbitration provisions are also extended to:

- (1) the law enforcement officers of cities and towns with a population of 7,500 or more, and counties with a population of 35,000 or more; and
- (2) peace officers employed by port districts in counties with a population of 1 million or more.

For arbitrations involving law enforcement officers in newly covered jurisdictions - cities between 7,500 and 15,000 population and counties between 35,000 and 70,000 population, the arbitrator must consider regional differences in the cost of living.

**Votes on Final Passage:**

House	97	1	
Senate	32	16	(Senate amended)
House	96	0	(House concurred)

**Effective:** July 25, 1993

- May 15, 1993 (Sections 1, 2, 4, and 6)
- July 1, 1995 (Sections 3 and 5)

**SHB 1082**

C 227 L 93

Combating student alcohol abuse in colleges and universities.

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Veloria, G. Cole, Springer, Padden, Valle, Scott, Brough, Jacobsen, Wineberry, Lemmon, Karahalios, Pruitt and Roland).

House Committee on Commerce & Labor  
Senate Committee on Higher Education

**Background:** The purpose of the Higher Education Coordinating Board is to provide planning, coordination, monitoring, and policy analysis for higher education in the state of Washington in cooperation and consultation with the institutions' autonomous governing boards and with all other segments of postsecondary education. The board represents the broad public interest above the interests of the individual colleges and universities.

The Washington Liquor Code prohibits possession of liquor by persons under 21 years of age. The liquor code also makes it unlawful for any person to supply liquor to a minor or permit a minor to consume liquor on his or her premises or on any premises under his or her control. It is difficult to enforce this law in certain student housing facilities because courts have treated dormitory rooms and fraternity and sorority houses as private residences.

It is unlawful to consume liquor in a public place. Therefore, a person may not consume liquor on a college or university campus except in the privacy of his or her own residence. Washington law does allow an organization to acquire a banquet permit authorizing it to host an activity on campus at which alcohol may be served. No alcohol may be served to minors at such events. Additionally, the faculty center at the University of Washington has been authorized by law to obtain a liquor license.

The Legislature has declared that any place where liquor is manufactured, kept, sold, bartered, exchanged, given away, furnished or otherwise disposed of in violation of Washington's liquor laws is a common nuisance. The prosecuting attorney of the county in which the nuisance is located is authorized to institute and maintain an action in superior court to abate and perpetually enjoin such nuisance.

In 1992, after an incident in which a young woman lost sight in one eye from an injury caused by a beer bottle thrown from a fraternity, University of Washington President William Gerberding convened a task force to review the relationship between the university and the fraternity and sorority system. The task force recommendations were made public on January 19, 1993.

**Summary:** No later than January 1, 1994, each of the state four-year colleges and universities shall submit to the board and designated committees of the Legislature a comprehensive plan to combat student alcohol abuse. The plan shall include means for assuring to the highest degree pos-

sible that there is no underage drinking on campus. It shall also provide details of services that will be offered to students who are problem drinkers. Additionally, the plan shall include strategies for combating underage drinking in off-campus student residences, such as fraternities and sororities.

The strategies for combating underage drinking shall include, but not be limited to, a program in which the college or university enters into individual recognition agreements with all of the fraternities and sororities at the college or university, setting forth its expectations with respect to the conduct of those groups and their members and the sanctions that will be imposed should the groups fail to satisfy the expectations. The agreements shall contain at least the following provisions:

- (1) Chapters and their individual members will be expected to comply with applicable laws and government officials;
- (2) Chapters will be held accountable for the conduct of members, residents, and guests, and will be expected to take disciplinary actions against members who violate the rules and expectations of their chapters, the college or university, or the community, and to report the actions taken to the appropriate college or university official;
- (3) Each organization shall identify persons who can be contacted by the police and other enforcement agencies 24 hours a day to handle emergency concerns;
- (4) Chapters must conduct uniform education programs covering substance abuse and acquaintance rape;
- (5) All parties involving a minimum of 25 people where alcohol is consumed shall be registered with the college or university. Banquet permits shall be obtained from the Liquor Control Board for every such party. A chapter meeting or gathering with only chapter members in attendance is not a party that must be registered;
- (6) The agreements shall be reviewed by the college or university for renewal on an annual basis; and
- (7) Sanctions for violations of the agreements shall include, but not be limited to, warnings, reprimands, monetary fines, restitution for property damage, probation, suspension, or withdrawal of recognition. Upon withdrawal of recognition of a fraternity or sorority chapter, the college or university shall immediately notify the national fraternity or sorority that the chapter is no longer in good standing at the college or university.

**Votes on Final Passage:**

House	96	0	
Senate	45	1	(Senate amended)
House	96	0	(House concurred)

**Effective:** July 25, 1993

Changing provisions relating to jury source lists.

By House Committee on Judiciary (originally sponsored by Representatives Wineberry, Padden, Appelwick, Vance, Wang, Pruitt, Campbell, Johanson, Orr and Anderson).

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

**Background:** The Washington statute establishing the qualifications for jury duty sets relatively few restrictions on who may be a juror. On the other hand, the statute that actually establishes the official pool from which jurors are chosen substantially restricts the number of persons who may be called for jury duty.

The juror qualifications that are set by state law exclude only the following persons from being considered for jury duty:

- (1) those under the age of 18;
- (2) those who are not citizens of the United States;
- (3) those who are not residents of the county in which they are to serve;
- (4) those who cannot communicate in the English language; and
- (5) convicted felons who have not had their civil rights restored.

However, under another statute, jurors are to be chosen exclusively from lists of registered voters. Thus, even though being a registered voter is not a necessary qualification to be a juror, only those who are on the list of registered voters will ever be called for jury duty. This use of voter registration lists as the sole source of jurors has received criticism on at least two grounds. First, limiting jurors to registered voters may reduce the likelihood that a jury in a given trial will represent a fair cross section of the community in which the trial is held. Having a jury that reflects community standards is one of the goals of the American jury system. Second, it appears that some people choose not to register to vote simply to avoid jury duty. This failure to register frustrates one of the goals of a participatory democracy as well as the goal of representative juries.

Various groups, including the Washington Judicial Council, the Superior Court Judges Association, and the Commission on Washington Courts, have called for an expansion of the jury source list. One recommended expansion is the inclusion of licensed drivers (including nondrivers with identicards) as part of the jury pool. At least nine other states have already merged lists of drivers and voters to create a larger pool of potential jurors.

In 1991, legislation was enacted that called for the development of a plan to provide an expanded jury source list. A group of public and semipublic agencies was di-



rected to prepare a plan for merging lists of registered voters and licensed drivers. The group consisted of:

- (1) the Office of the Administrator for the Courts;
- (2) the Superior Court Judges Association;
- (3) the District and Municipal Court Judges Association;
- (4) the Association of County Clerks;
- (5) the Office of Financial Management;
- (6) the Secretary of State;
- (7) the Association of County Auditors;
- (8) the Department of Licensing
- (9) the State Bar Association;
- (10) the Association of Superior Court Administrators; and
- (11) the Association for State Court Administration.

The plan to be developed by this task force was to have included implementation by January 1, 1993. However, the task force's proposed plan called for implementation by July 1, 1994. The task force report identified substantial implementation problems that would prevent adopting the expanded jury list by January 1, 1993. These problems generally revolve around the mechanical process of merging the lists of registered voters and licensed drivers. One obvious concern is that when the lists are merged, persons who are on both lists should not be included twice. The best single identifier for eliminating duplications is probably a person's social security number. However, federal law currently prohibits the use of social security numbers for use in sorting out licensed drivers and registered voters. Another problem is that some county voting lists do not contain necessary identifying information. In 1992, the Legislature appropriated money to continue the work of the task force.

Under a state victims' protection program administered by the Secretary of State, the addresses of some domestic violence victims are confidential. Those persons' names do not appear on the lists of registered voters. They may be on the Department of Licensing's list of licensed drivers, but with a fictitious address.

**Summary:** The recommendations of the 1992 task force on jury source list expansion are adopted.

The State Supreme Court is requested to adopt rules by September 1, 1994, establishing the methodology and standards for merging the lists of registered voters and licensed drivers (including identicaid holders). An interim statutory system for merging the two lists before the court rules take effect is established to begin by March 1, 1994.

Under the interim system, before March 1, 1994, each superior court is to notify the Department of Information Services of its choice of method for receiving merged lists of voters and drivers. A court may choose to get separate lists of the voters and drivers within its venue and then have the county merge the lists, or it may choose to have the department merge the lists. In either case, the department is to send the list or lists to the court, without charge, in an electronic format agreed to by the department and the court.

When lists of voters and drivers are prepared for merging, they are to contain identification of persons by complete name, date of birth, gender, and county of residence. However, counties are required to provide complete names and date of birth information in voter lists only if by June 30, 1994 the state budget contains an appropriation to pay counties for including this information. To the extent reasonably possible, persons are to be listed only once on any merged list. Conflicts in addresses are to be resolved by reference to the latest information from the available identifying information. If the Department of Information Services cannot resolve questions of possible duplicates on the lists it is requested to merge, the department is to identify those potential duplicates to the county. If, upon receipt of the merged list, the county is unable to resolve the question, the potential duplicate names are to be stricken from the jury source list. This interim procedure is to continue until superseded by court rules.

The Department of Licensing and the Secretary of State, respectively, are directed to supply the Department of Information Services, annually and at no cost, lists of licensed drivers and registered voters. The Secretary of State is to identify persons whose addresses have been made secret under the state's domestic violence protection program. Those names will be removed from the list of licensed drivers.

Superior courts are directed to establish a method for obtaining written declarations from summoned persons as to their qualifications to be jurors. The declaration is to be signed under penalty of perjury and is to indicate whether the person summoned meets all of the statutory qualifications of a juror. Persons who indicate they do not meet the qualifications are to be excused from responding to the summons. An unqualified person who responds to the summons and appears for jury duty without having returned a written declaration will be denied juror compensation.

**Votes on Final Passage:**

House	97	0	
Senate	44	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** September 1, 1994

July 1, 1993	(Sections 1, 2, 3, 6, 8 and 13)
March 1, 1993	(Sections 10 and 12)

**ESHB 1085**

C 447 L 93

Authorizing community and technical colleges to develop and fund transportation demand management programs.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Jacobsen, Pruitt, Romero, J. Kohl, Leonard, Basich, Shin, Wood, Dunshee, R. Meyers, Brough, Kessler, Johanson and Wolfe).

House Committee on Transportation  
Senate Committee on Transportation

## ESHB 1086

**Background:** The Legislature has found that transportation demand management programs are an effective strategy for discouraging single-occupant vehicle travel, especially in densely populated urban areas where roads are congested and ambient air quality is unsatisfactory. The Legislature has already required many public and private employers in the state's eight largest counties to implement transportation demand management programs, and has provided substantial funding for the University of Washington's Universal Bus Pass (UPASS) Program, which has been immensely successful during its first two years of implementation.

The Legislature intends to reduce further the number of single-occupant vehicles on the state's roads and highways, improve ambient air quality in the federally designated nonattainment areas, and provide institutions of higher learning with an easier means to address serious parking shortages at their campuses.

**Summary:** The governing boards of institutions of higher learning may impose either a voluntary or mandatory transportation fee on their employees and students to fund transportation demand management programs that reduce the need for on and off campus parking and that promote alternatives to single-occupant vehicle driving. If the board chooses to impose a mandatory fee on its students, it must also charge employees a greater or equal amount. The mandatory fee for community colleges and technical colleges may not exceed 60 percent of the services and activities fees, unless the students give their approval for a higher fee. The mandatory fee for four-year institutions may not exceed 35 percent of the services and activities fees, unless the students give their approval for a higher fee. The governing board may permit exceptions to the fee based on a policy adopted by the board.

The use of transportation fees is restricted to activities directly related to the institution of higher learning's transportation demand management program. Examples of these activities include: transit, ridesharing programs and bicycle storage facilities. Funds may be used for capital or operating costs, and may be used for existing programs if they are incorporated into the campus transportation demand management program. Institutions that impose transportation fees are encouraged to include faculty and staff in their programs.

The board of trustees of each institution of higher learning imposing a transportation fee must adopt guidelines governing the establishment and funding of transportation programs supported by transportation fees.

### **Votes on Final Passage:**

House	96	1	
Senate	43	1	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 25, 1993

## ESHB 1086

C 292 L 93

Modifying littering penalties.

By House Committee on Environmental Affairs (originally sponsored by Representatives Valle, Edmondson, Rust and Kremen).

House Committee on Environmental Affairs  
Senate Committee on Ecology & Parks

**Background:** Under current state law, littering is a misdemeanor punishable by a fine of not less than \$50 and a requirement to pick up litter for eight to 16 hours. Local government enforcement of the state litter law appears to be quite limited. In part, this may be due to the time and expense involved in charging and convicting littering under the criminal justice system.

From 1975 to 1982, the amount of litter generated per person decreased dramatically. Since 1982 per capita litter generation has increased steadily. Due to population increases, the amount of overall litter is greater than 1975 levels.

The incidence of illegal dumping of solid waste appears to be increasing. There are no state laws, other than the littering penalties, governing the illegal dumping of larger quantities of solid waste.

**Summary:** The penalty for littering is changed from a misdemeanor to a civil infraction. Two levels of litter infractions are created. Littering in amounts of one cubic foot or less is subject to a penalty of \$50. Littering in amounts greater than one cubic foot is subject to penalty of up to \$250 plus a clean-up fee of \$25 per cubic foot of litter. A judge may require the person to remove litter from the property as an alternative to or in addition to the penalty amount.

### **Votes on Final Passage:**

House	95	0	
Senate	43	3	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 25, 1993

## ESHB 1089

C 252 L 93

Changing air quality operating permit requirements.

By House Committee on Environmental Affairs (originally sponsored by Representatives J. Kohl, Horn, Rust and Pruitt; by request of Department of Ecology).

House Committee on Environmental Affairs  
House Committee on Revenue  
Senate Committee on Ecology & Parks  
Senate Committee on Ways & Means

**Background:** Like many other environmental regulatory programs, air pollution from industrial sources is regulated by establishing technology-based emission limits. Unlike other environmental regulatory programs, industrial sources of air pollution have not been required to obtain an operating permit. As a result, emission limits, control technology, and general operating specifications are not reviewed for adequacy on a regular basis.

Industrial sources of air pollution are currently subject to three regulatory programs: registration, new source review, and control technology assessments. Industrial sources are required to register each year with the Department of Ecology or a local air pollution control authority. Registration provides air quality regulators with some of the information necessary to allocate emissions among industrial sources. At the time of construction, industrial sources are also required to undergo a new source review, in which air regulators examine the specifications of the plant and pollution control technology to determine if the industrial facility will cause air quality to be "significantly deteriorated." Local air authorities charge a fee to register industrial sources and to perform a new source review; the Department of Ecology charges a fee only for new source reviews. Industrial sources also must install air pollution control technology that meets certain criteria. The level of technology required depends on whether the facility is new or existing and on the air quality in the area where the facility is sited. Control technology assessments are conducted by the Department of Ecology and can be for individual industries or for a group of similar industries. Control technology assessments are currently conducted for new industrial sources and when an existing source is significantly modified. Existing sources have generally not been subject to control technology assessments on any regular schedule.

The 1990 federal Clean Air Act amendments require states to develop an operating permit program for major sources of air pollution. Major sources are defined as those sources capable of emitting 100 tons per year of certain regulated pollutants; 10 tons per year of a single toxic pollutant; or 25 tons per year of multiple toxic pollutants. The act also requires states to establish a fee structure that covers the costs of the permitting program, and to submit the program for federal approval by October 1, 1993. Failure to gain approval may result in a federally-administered permit program and sanctions, such as loss of federal transportation grants.

State legislation in 1991 established an interim fee of \$10 per ton on sources emitting 100 or more tons of regulated pollutant per year. The fees are divided between the Department of Ecology and local air pollution control authorities to develop a permitting program. The 1991 legislation further directed the Department of Ecology to develop recommendations to the 1993 Legislature on a fee structure for the air operating program. The department was specifically directed to include a number of account-

ability provisions to ensure that the fee structure included only the costs necessary to implement an operating permit program.

The Department of Ecology formed an advisory task force consisting of industry, small business, environmental groups, local air authorities, and the U.S. Environmental Protection Agency. The task force met over an 18 month period and addressed all four regulatory programs for industrial sources of air pollution: registration, new source review, control technology assessments, and the operating permit program. The task force made detailed recommendations to create a procedure for developing fee structures that: (1) provided the greatest possible accountability to the industries paying the fees; and (2) ensured that the fees were sufficient to implement a program that protects air quality. The recommendations were included in the department's 1993 request legislation.

**Summary:** The Department of Ecology and local air pollution control authorities are authorized to assess fees for an air operating permit program. Fees for the operating permit program must be based on a number of general and specific accountability provisions. General accountability provisions are established for other industrial air pollution program.

#### GENERAL ACCOUNTABILITY PROVISIONS

The fee structures for regulatory activities regarding new source review, control technology assessments, and the operating permit program must incorporate the following accountability provisions: (1) the fee structures must be developed based on the actual costs incurred by the Department of Ecology; (2) the department must track its costs for each category of industry and track fees received from each industry paying a fee; (3) an air operating permit account is created. Fees for new source reviews, control technology assessments, and operating permits must be deposited into the air quality account if the facility is a major source of air pollution; and (4) the department must submit its proposed fee schedules to the public for review and comment prior to finalizing the fees.

#### REGISTRATION FEES

The Department of Ecology is authorized to collect a fee for registering industrial sources of air pollution. Registration fees collected by the department are to be deposited into its general air pollution control account. Fees collected by local air authorities are to be deposited in their respective treasuries.

#### AIR OPERATING PERMIT FEES

The \$10 per ton interim fee is abolished. The Department of Ecology and local air authorities with delegated authority to administer the operating permit program may assess fees to cover the direct and indirect costs of developing and implementing the program. The eligible costs for the operating permit program are specifically defined. Each permitting authority must develop a fee schedule and mechanism for fee collection. The department must allocate its program development and oversight costs among

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all permitting authorities based on the number of permitted facilities under each authority's jurisdiction.

The fee structure established by the department must be developed according to a number of general and specific accountability provisions. The fees are due 45 days after federal approval of the state permit program.

Accountability provisions specific to the operating permit program are established. The department must develop a system of fiscal audits, reports, and periodic performance audits applicable to the operating permit programs of both the department and local air pollution control authorities. The air operating permit fees must be allocated based upon three equally weighted factors: (1) the number of sources; (2) the complexity of sources; and (3) the amount of pollutants emitted by a facility.

### CONTROL TECHNOLOGY ASSESSMENT FEES

The Department of Ecology must establish a schedule for making "reasonably available control technology" (RACT) determinations. The fee schedule adopted by the department must conform to general accountability provisions. In 1995, the Department of Ecology is required to report on fee structures for new permit sources not currently subject to permit requirements.

### NEW SOURCE REVIEW FEES

Fees collected by the Department of Ecology must conform to general accountability provisions. Fees collected by local air authorities are to be deposited in their respective treasuries.

### MISCELLANEOUS

A definition for the most stringent air pollution control technology required under federal law is added to state law. Other definitions are clarified and moved to the general definitions section of the Clean Air Washington Act. The Department of Health as well as the Department of Ecology may exercise air quality enforcement powers with respect to emissions of radionuclides.

#### **Votes on Final Passage:**

House	94	13	
Senate	40	2	(Senate amended)
House	85	11	(House concurred)

**Effective:** July 25, 1993

## SHB 1100

C 399 L 93

Imposing a fee on waste transported without a cover.

By House Committee on Environmental Affairs (originally sponsored by Representatives Bray, J. Kohl, Rust and Leonard).

House Committee on Environmental Affairs  
Senate Committee on Ecology & Parks

**Background:** Litter surveys from 1982 to 1987 show that the amount of litter from vehicles with unsecured loads has remained steady at around 40 percent of all litter. A 1990

litter survey shows that this type of "non-deliberate" littering has increased to nearly 50 percent of all litter. The cause for the increase in this type of littering appears to be that the number of pickup trucks has nearly doubled since 1982.

Under current state law, littering is punishable as a misdemeanor with a fine of not less than \$50 and eight to 16 hours of litter pickup duty. State law governing the "rules of the road" requires trucks carrying dirt, sand, or gravel to have a cover or to maintain at least six inches of space between the material and the side of the vehicle. State law does not require a cover for vehicles transporting any other waste materials.

Yakima County and the city of Richland have adopted ordinances requiring landfill customers to pay a surcharge if they arrive at the landfill in vehicles with uncovered waste. Both local governments report the measure has reduced litter, especially on the roads leading to the landfill.

**Summary:** A city or county with a staffed transfer station or landfill in its jurisdiction must adopt an ordinance that assesses a surcharge on customers arriving at the transfer station or landfill in vehicles in which the waste is not adequately covered or secured. The ordinance may also provide exemptions for waste that is unlikely to spill from a vehicle. Vehicles transporting dirt, sand, or gravel are not subject to local covered load ordinances.

#### **Votes on Final Passage:**

House	76	21	
Senate	25	20	(Senate amended)
House	72	24	(House concurred)

**Effective:** July 25, 1993

## SHB 1103

C 400 L 93

Changing the model traffic ordinance from statute to rule.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Brown, Schmidt, Wood, Jones, Franklin and Johanson).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** The Model Traffic Ordinance (MTO) is a listing of state traffic and motor vehicle laws that a city, town or county may adopt, by reference, to serve as its local traffic ordinance. The MTO may be adopted in whole or in part, and a local government may exclude any sections it does not wish to include in its local laws. The model is now being used by 185 cities and 15 counties.

Because the model is statutory, legislative action is required each year to incorporate recently enacted traffic statutes. Guiding the measure through the legislative process each year has become increasingly more difficult. In fact, enactments from the 1991 and 1992 sessions currently are not part of the model. A more efficient method of

updating the model may be adoption by Washington Administrative Code (WAC) rule.

**Summary:** The procedure by which the Model Traffic Ordinance is updated is changed from a statutory process to administrative rule. The Department of Licensing (DOL), in consultation with Washington State Patrol and Traffic Safety Commission, is responsible for periodically updating the model. DOL's authority to develop the model by rule is effective July 1, 1993.

The following 1991 and 1992 legislative enactments are added to the model, effective immediately:

- (1) school buses must be equipped with a crossing arm mounted to the bus effective September 1, 1992;
- (2) initial tow movements are exempt from the state's highway weight limitation requirements;
- (3) it is a traffic infraction for anyone to knowingly direct the loading of a vehicle in excess of the weight limitations for highway usage;
- (4) refusal of a person to submit to alcohol blood or breath test is admissible evidence at a subsequent criminal trial;
- (5) compensation for private impounds by tow truck operators;
- (6) negligent driving and vehicular assault are delineated as crimes which may occur on private property; and
- (7) reporting and investigation of violators of school bus stop sign laws.

The statutory MTO is repealed on July 1, 1994 and is replaced by a model developed through WAC rule.

**Votes on Final Passage:**

House	96	0	
Senate	27	18	
<b>Effective:</b>	July 25, 1993		
	May 15, 1993		(Sections 3 and 5)
	July 1, 1993		(Sections 1 and 2)
	July 1, 1994		(Section 6)

**EHB 1107**

C 401 L 93

Requiring yielding right of way to buses.

By Representatives R. Fisher and Jacobsen.

House Committee on Transportation  
Senate Committee on Transportation

**Background:** Automobiles are not required to yield the right of way to transit vehicles.

**Summary:** The driver of a vehicle must yield the right of way to a transit vehicle traveling in the same direction that has signaled and is attempting to reenter the flow of traffic.

Department of Transportation, city and county maintenance vehicles are permitted to use optical strobe light devices to perform maintenance tests on traffic control lights.

Public transit agencies are permitted to use optical strobe light devices in public transit vehicles to accelerate the cycle of the traffic control light. Public transit vehicles operating an optical strobe light must yield to emergency vehicles when simultaneously approaching the same traffic signal. "Public transit vehicles" refers to vehicles used for mass transportation that are owned by a governmental entity and can carry 25 or more persons.

**Votes on Final Passage:**

House	97	0	
Senate	37	5	(Senate amended)
House	97	0	(House concurred)
<b>Effective:</b>	July 25, 1993		

**EHB 1110**

C 402 L 93

Prescribing treatment for sexually aggressive youth.

By Representatives Vance, Leonard, Cooke, Sheldon, Basich, Foreman, Brough, Long, Karahalios, Miller, Brumsickle and Kremen.

House Committee on Human Services  
Senate Committee on Law & Justice

**Background:** A treatment program for "sexually aggressive youth" was created in statute in 1990. "Sexually aggressive youth" is defined as youth who (1) are in the care and custody of the Department of Social and Health Services, (2) have been abused and committed a sexually aggressive act or other violent act that is sexual in nature, or (3) cannot be prosecuted for a sex offense because they are under age 12 and considered incompetent to stand trial. Children under age 12 who fall within this definition are difficult to provide services for, particularly if their parents or guardians refuse to acknowledge that their children need help and refuse to obtain help.

**Summary:** Law enforcement agencies are required to investigate complaints that a child under age 12 has committed a sex offense. If the investigation determines that the child is at least eight years old and that probable cause exists that a sex offense was committed, the law enforcement agency will refer the case to the prosecuting attorney. If the prosecutor or a judge determines the child cannot be prosecuted for the alleged sex offense and that probable cause exists that the child committed a sex offense, the child will be referred to the Department of Social and Health Services as a sexually aggressive youth. The department must conduct an investigation and may offer appropriate available services and treatment for the child and his or her parents or guardians. If the child's parents refuse to accept or fail to obtain appropriate services, the department may pursue a dependency action under Chapter 13.34 RCW.

The secretary of the Department of Social and Health Services is authorized to transfer surplus unused treatment



## HB 1111

funds from the civil commitment center to programs serving sexually aggressive youth.

### Votes on Final Passage:

House	95	0	
Senate	44	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 25, 1993

## HB 1111

C 153 L 93

Protecting pedestrians in crosswalks.

By Representatives Van Luven, Heavey, Schmidt, Riley, Fomer, Finkbeiner, Johanson, Campbell and Wood.

House Committee on Transportation

Senate Committee on Transportation

**Background:** Prior to 1990, drivers were required simply to yield to pedestrians legally crossing a roadway, i.e., in a marked crosswalk, or an unmarked crosswalk at an intersection, and in compliance with any traffic signal. Current law reflects legislation passed in 1990 that was intended to provide greater protection for pedestrians.

For pedestrians legally crossing a roadway without traffic control signals, a driver must stop and remain stopped while any pedestrian is (1) on the side of the roadway on which the vehicle is traveling or into which it is turning, or (2) on the other side of the roadway and approaching the side of the roadway on which the vehicle is traveling or into which it is turning. In the case of a one-way roadway, the vehicle must yield the entire time any pedestrian is crossing.

For pedestrians legally crossing at signalized intersections, a driver making a turn on a green light must yield while a pedestrian is anywhere in the crosswalk into which the vehicle is turning. And, a driver turning on red must remain stopped while a pedestrian in the adjoining crosswalk is approaching or in the car's lane.

**Summary:** For any pedestrian legally crossing a two-way roadway, a vehicle is required to stop and remain stopped while the pedestrian is (1) on the side of the roadway on which the vehicle is traveling or into which it is turning, or (2) in the traffic lane adjacent to that side of the roadway. The law applies to crosswalks with or without traffic control signals. In the case of one-way roadways, a vehicle must yield for the entire time a pedestrian is crossing as in current law.

The Washington Traffic Safety Commission is directed to develop and execute with existing resources a statewide pedestrian safety education program in cooperation with other interested organizations. The commission is also directed to evaluate the effectiveness of pedestrian safety efforts in Washington and report its findings to the Legislative Transportation Committee by January 1, 1995.

### Votes on Final Passage:

House	97	0	
Senate	45	0	

Effective: July 25, 1993

## EHB 1115

C 237 L 93

Allowing law enforcement agencies to have access to children's records in cases of reported child abuse and neglect.

By Representatives Riley, Mielke, R. Johnson, Jones, Brough, Van Luven and Karahalios.

House Committee on Human Services

Senate Committee on Health & Human Services

**Background:** When a report of child abuse or neglect is made, the Department of Social and Health Services (DSHS) and local law enforcement agencies may initiate two separate, distinct investigations. If the report is made to DSHS, the department must in turn report to the appropriate law enforcement agency. If the report is made to a law enforcement agency, that agency is required to report the incident to DSHS. Often, information pertaining to child abuse must be secured from the school or medical facility that reported the incident. When the department investigates a case of reported abuse or neglect, it has access to all relevant records in the custody of the person reporting and the person's employers. Law enforcement agencies must request DSHS to share those records. This causes additional work for DSHS and a delay in the law enforcement investigation.

State law does not require DSHS to use a risk assessment process when conducting a child abuse or neglect investigation.

**Summary:** Law enforcement agencies have access to all relevant records of reported child abuse or neglect in the custody of the persons reporting the abuse or neglect and their employers. The department must use a risk assessment process in every child abuse or neglect investigation.

### Votes on Final Passage:

House	94	0	
Senate	46	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 25, 1993

## SHB 1118

C 293 L 93

Classifying the criminal use of explosives.

By House Committee on Judiciary (originally sponsored by Representatives Orr, Scott, Shin, Dunshee, Silver,

Mielke, Schoesler, Sheahan, Riley, Tate, Vance, Chappell, Ludwig, Fomer, H. Myers, Johanson and Springer).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** The Washington State Explosives Act governs the possession and use of explosives. The Department of Labor and Industries approves the use of explosives. No person may manufacture, possess, store, sell, purchase, transport, or use explosives unless licensed by the department. Certain exemptions exist.

#### DEFINITIONS

The act defines explosives. Small arms ammunition and primers, smokeless powder less than 50 pounds, and black powder less than five pounds are not explosives within the meaning of the act, regardless of their intended use.

There is no definition of improvised devices that may contain explosives or other noxious agents such as gases.

#### AUTHORIZED PERSONS

No person except "an official as authorized herein" may enter any explosives manufacturing building, magazine, or car, vehicle, or other common carrier carrying explosives. An "official as authorized herein" is undefined.

#### PENALTIES

It is a felony to possess shells, bombs, or similar devices with the intent to use them for an unlawful purpose. However, some prosecutors reportedly have declined to prosecute offenders in possession of explosive devices or components, because of a lack of proof of the intent to use the devices or components for an illegal purpose.

It is a gross misdemeanor to manufacture, purchase, sell, use, or store any explosive without a license from the Department of Labor and Industries.

While it is unlawful for a person to abandon explosives or explosive substances, no penalty is specified.

Also, no penalty is provided for illegal entry into an area where explosives are located.

#### EXEMPTIONS

The chapter does not apply to the sale and use of fireworks, signalling devices, flares, fuses, and torpedoes. This exemption does not include the "importation" or "possession" of those items.

#### OTHER PROVISIONS

While the act does address the immediate surrender of explosives, it does not explicitly provide for the seizure, destruction, or forfeiture of explosives. Nor does it require the reporting of lost or stolen explosives.

**Summary:** The definition of "explosives" is expanded. The Washington State Explosives Act is amended in several ways.

#### DEFINITIONS

Small arms ammunition and primers, smokeless powder less than 50 pounds, and black powder less than five pounds are explosives if possessed or used for a purpose inconsistent with small arms use or other lawful purpose.

A new definition is added. The term "improvised device" means a device that is fabricated with explosives or destructive, lethal, noxious, pyrotechnic, or incendiary chemicals, and is designed to disfigure, destroy, distract, or harass. The term is added throughout the Washington State Explosives Act.

#### AUTHORIZED PERSONS

Who has authority to enter manufacturing buildings, magazines, and vehicles containing explosives is clarified. No person, except the director of the Department of Labor and Industries or the director's agent, the owner, the owner's agent, any person the owner or the owner's agent permits to enter, or a law enforcement officer acting within his or her official capacity may enter any building, magazine, or vehicle that contains explosives.

#### PENALTIES

A new offense is created. Unless otherwise allowed by the Washington State Explosives Act, a person who exhibits a device designed, assembled, fabricated or manufactured to convey the appearance of an explosive or improvised device, and who intends to and does intimidate or harass a person, is guilty of a class C felony.

In addition to current restrictions on manufacture, purchase, sale, use, or storage of explosives, a person may not offer for sale, possess or transport an explosive, improvised device, or components that are intended to be assembled into an explosive or improvised device, without a license. Violation of the provision is changed from a gross misdemeanor to a class C felony.

Unlawful abandonment of explosives or improvised devices is a gross misdemeanor. The term "explosive substances" is stricken.

Illegal entry into a building, magazine, or vehicle containing explosives is a gross misdemeanor.

#### EXEMPTIONS

The provisions of the chapter do not apply to the importation, sale, possession or use of fireworks, signalling devices, flares, fuses, or torpedoes.

#### OTHER PROVISIONS

**Seizure, destruction, or forfeiture:** Explosives, improvised devices, and components possessed, manufactured, stored, sold, purchased, transported, abandoned, detonated, or used in violation of the Washington State Explosives Act are subject to seizure and forfeiture by a law enforcement agency.

Explosives, improvised devices and components may be seized if:

- (1) the seizure is incident to arrest or a search under a search warrant;
- (2) they were the subject of a prior judgment in favor of the state in an injunction or forfeiture proceeding based on the act;
- (3) there is probable cause to believe they are dangerous to health or safety; or
- (4) there is probable cause to believe they were used or were intended to be used in violation of the act.

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A law enforcement agency must destroy seized explosives if necessary for the public safety and welfare. Otherwise, and if the explosives are not being held for evidence, the seizure commences forfeiture proceedings.

The seizing law enforcement agency must follow specified procedures in forfeiture proceedings, including procedures for notice to any person with a known interest in the explosives. Notice must be given by personal service.

Anyone with a claim to the explosives is entitled to a hearing to challenge the forfeiture action, and may have the matter heard by a court if the value of the explosives exceeds \$500. The seizing law enforcement agency bears the burden of proof.

A law enforcement agency must destroy forfeited explosives. When explosives are destroyed either to protect public safety or because the explosives were forfeited, the person from whom the explosives were seized has no claim against any governmental entity, agency, or employee acting within the scope of his or her employment, involved in the seizure or destruction.

The act's seizure, forfeiture, and destruction provisions are not intended to change the seizure and forfeiture powers, enforcement, and penalties available to the Department of Labor and Industries under the Washington Industrial Safety and Health Act.

**Loss or theft of explosives:** A person who is responsible for explosives must report theft or loss of the explosives within 24 hours of discovery to the local law enforcement agency. The law enforcement agency must immediately report the theft or loss to the Department of Labor and Industries.

**Technical changes:** The bill makes additional changes, of a technical nature, in the act.

### Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 1993

## SHB 1119

C 74 L 93

Prohibiting state agencies from accepting advertising from unregistered sellers.

By House Committee on State Government (originally sponsored by Representatives Fuhrman, G. Fisher, King, Van Luven, Anderson, Foreman, Reams, G. Cole, Lisk, Jones, Sheldon, Wang, Sheahan, Kremen, Quall, Riley, Appelwick, Leonard, Valle, Chandler, Ballard, Schmidt, Chappell, Basich, Morton, Heavey, Rust, Silver, Carlson, Padden, Vance, Mielke, Wood, Brumsickle, Tate, Forner, Cooke, Long, Rayburn, Zellinsky, Brown, Brough, Franklin, J. Kohl, Edmondson, Springer, Holm, R. Fisher,

Horn, Talcott, Shin, Romero, Karahalios, Kessler, Johanson and Miller).

House Committee on State Government  
Senate Committee on Government Operations

**Background:** In 1992, the Supreme Court of the United States ruled in the Quill decision that states do not have the authority to require that out-of-state mail order companies collect use taxes on goods sold to state residents. The court held that only Congress can impose such a requirement. States may only compel collection of state taxes if the mail-order company has a "physical presence" in the state such as offices, warehouses, real or personal property, agents or employees.

Certain state agency publications contain advertisements from out-of-state mail order companies. Competing in-state companies are not exempted from collecting state sales tax.

All persons who engage in business in the state are required to obtain a certificate of registration from the Department of Revenue.

**Summary:** State agencies are prohibited from accepting advertisements for placement in state publications unless the advertiser: (1) has obtained a certificate of registration from the Department of Revenue; and (2) if the advertiser is not required to collect state sales or use tax, agrees to either collect and remit the use tax or provide quarterly a list of Washington customers. This prohibition only applies to advertisements that solicit orders or offer items for sale.

### Votes on Final Passage:

House	89	8
Senate	40	4

Effective: July 1, 1993

## ESHB 1127

C 238 L 93

Controlling vehicle tax or license fee evasion.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Brumsickle, Brown, Horn, Long, Quall, Carlson and Johanson; by request of Washington State Patrol).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** Failure to register a motor vehicle before operating it on the public roadways is a misdemeanor. It is a gross misdemeanor to register a motor vehicle in another state with the wilful intent to evade taxes due in this state.

The term "motor vehicle" excludes trailers and campers.

The Washington State Patrol has no statutory authority to investigate and enforce licensing laws related to trailers, campers, aircraft or watercraft.

It is a gross misdemeanor to obtain a vessel dealer's license to evade taxes. If a person registers a vessel in another state for the purpose of evading taxes and is discovered, that person is liable for the unpaid licensing fees and excise taxes, but is not subject to criminal penalties.

A misdemeanor is punishable by imprisonment of not more than 90 days, or a fine of not more than \$1,000, or both.

A gross misdemeanor is punishable by imprisonment of not more than one year, or a fine of not more than \$5,000, or both.

**Summary:** The penalties for failing to register and/or evading licensing requirements for all modes of transportation (vehicle, aircraft and watercraft) are made uniform. Failure to license and pay taxes is a misdemeanor. The penalty for wilfully licensing a vehicle, aircraft or watercraft in another state for the purpose of evading Washington taxes is a gross misdemeanor.

The current language that states that a person who registers a vehicle in another state to avoid the licensing fee and excise tax must have done so with wilful intent is deleted.

The word "motor" is deleted from the definition of "motor vehicle," thereby expanding the definition to include trailers and campers.

**Votes on Final Passage:**

House	77	20	
Senate	43	1	(Senate amended)
House	89	8	(House concurred)

**Effective:** July 25, 1993

**SHB 1128**

C 239 L 93

Funding blood and breath alcohol testing programs.

By House Committee on Revenue (originally sponsored by Representatives G. Fisher, Holm, Silver, Vance, Edmondson, Heavey, Foreman, Ballard, Brough, Long, Miller and Brumsickle; by request of Washington State Patrol).

House Committee on Revenue  
Senate Committee on Law & Justice

**Background:** Persons convicted of driving a motor vehicle while intoxicated are subject to a term of imprisonment and a fine ranging from \$250 to \$1,000. Repeat offenders are subject to larger fines and longer imprisonment. Fines may be suspended for indigent persons.

The State Toxicology Laboratory performs blood tests if a traffic accident involves a fatality.

**Summary:** Starting July 1, 1993, and ending June 30, 1995, an additional \$125 fine is assessed against each per-

son convicted of driving while intoxicated. The fine may be reduced if the person does not have the ability to pay.

Of the revenue from the fee, 40 percent is divided between cities, counties, and the state in the same manner as fees, fines, and forfeitures collected by district courts. If the case involves a blood test by the State Toxicology Laboratory, the remaining 60 percent is earmarked for funding the laboratory's Blood Testing Program. Otherwise, the remaining 60 percent is earmarked for the Washington State Patrol Breath Testing Program.

**Votes on Final Passage:**

House	97	0	
Senate	41	1	(Senate amended)
House	96	0	(House concurred)

**Effective:** July 1, 1993

**SHB 1129**

C 403 L 93

Limiting commercial motor vehicle inspections.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Brown, Schmidt, Brough and Mielke; by request of Washington State Patrol).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** Because the current definition of "commercial vehicle" applies to any vehicle used primarily to transport commodities or passengers, any vehicle engaged in commercial activities, regardless of weight, must stop at an open weigh station and submit to weighing. Some states have established a minimum scalehouse weight standard, ranging from 8,000 to 26,000 pounds, for trucks required to stop at scale houses.

Current law requires that a State Patrol inspection of a commercial vehicle be done in conjunction with weight enforcement.

**Summary:** A "commercial vehicle" is defined as a vehicle used to transport passengers or property that: (1) has a gross weight rating of over 10,000 pounds, (2) is designed to transport 16 or more passengers, or (3) is a placarded vehicle transporting hazardous materials. All commercial vehicles are subject to Washington State Patrol (WSP) safety inspections. Commercial vehicles, other than buses, are required to stop at a weigh station when open and submit to weighing. Exempting buses from the weighing provisions is currently WSP policy. A recreational vehicle or a vehicle hauling a horse trailer for a noncommercial purpose is not required to stop at a scalehouse and submit to weighing. The 10,000 pound threshold for trucks stopping at the scales was chosen because: (1) under federal law, a commercial vehicle is defined as a vehicle weighing

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over 10,000 pounds, and (2) Washington's truck speed limit is based on 10,000 pounds.

State Patrol vehicle equipment, driver qualification and hours of service inspections need not be conducted in conjunction with weight enforcement.

### Votes on Final Passage:

House	96	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 1993

## HB 1130

C 24 L 93

Regulating background checks.

By Representatives Ludwig, Riley, Ballasiotes, Basich, Brough and Orr; by request of Washington State Patrol.

House Committee on Corrections

Senate Committee on Law & Justice

**Background:** When the secretary of the Department of Corrections authorizes a furlough for an inmate, the secretary is required to notify the Identification Section of the Washington State Patrol (WSP) that the named prisoner has been granted a furlough. Notice must be given 48 hours before the furlough begins. Upon receipt of the notice, the State Patrol's Identification Section notifies: the sheriff or the director of public safety of the county to which the prisoner is being furloughed, the nearest detachment of the Washington State Patrol in that county, and such other criminal justice agencies that the Identification Section determines should be notified. Notice includes the place where the furloughed prisoner will be residing, the prisoner's residence, and the dates and times the individual will be on furlough. In the case of an emergency furlough, the 48 hour time period is not required, but notification must occur as promptly as possible before the prisoner is released on furlough.

Whenever a prisoner confined to the Department of Corrections is released on an order from the Indeterminate Sentence Review Board, or is discharged from custody on expiration of sentence, the Department of Corrections shall promptly notify the Identification Section that the named person has been released or discharged and under what conditions.

**Summary:** Upon granting furlough to a prisoner, The secretary of the Department of Corrections must directly notify the following agencies that the named prisoner has been granted furlough: the sheriff or the director of public safety of the county to which the prisoner is being furloughed; the nearest Washington State Patrol district facility in that county; and other similar criminal justice agencies. Notice is to include the place of residence and the dates and times the individual will be on furlough. The sheriff or director of public safety, the nearest WSP district

facility in the county, and other criminal justice agencies must be directly notified when an emergency furlough is granted.

Whenever a prisoner confined to the Department of Corrections is released on an order from the Indeterminate Sentence Review Board, or is discharged from custody on expiration of sentence, the Department of Corrections must promptly and directly notify the sheriff or the director of public safety, the nearest WSP district facility in that county, and other similar criminal justice agencies that the named person has been released or discharged and under what conditions.

### Votes on Final Passage:

House	98	0
Senate	40	0

Effective: July 25, 1993

## ESHB 1135

### FULL VETO

Modifying the regulation of "alternative livestock."

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Kremen, Ballard, Linville, Foreman, Rayburn, Padden, R. Johnson, Grant, Schoesler, Lisk, Fuhrman, Morris, Morton, Brough, Sheahan, Finkbeiner, Quall, Miller and Anderson).

House Committee on Agriculture & Rural Development

House Committee on Fisheries & Wildlife

Senate Committee on Agriculture

**Background:** Department of Agriculture: State law grants the director of the Department of Agriculture authority to suppress and control the spread of diseases affecting animals within, in transit through, and imported into the state. The director has the authority to impose quarantines, regulate veterinary biologics, and adopt and enforce rules to prevent the introduction or spread of diseases in domestic animals. The disease control authority of the director is exercised through the state veterinarian who is appointed by the director.

In 1985, the Department of Agriculture was given certain regulatory authority over aquatic farming conducted in the private sector. The director of the Department of Agriculture and the director of the Department of Fisheries were required to develop jointly a program of disease inspection and control for such aquatic farming. The program is administered by the Department of Fisheries under rules adopted with the prior approval of the director of the Department of Agriculture. The director of the Department of Agriculture was given the responsibility of establishing identification requirements for the products of private sector aquaculture to the extent necessary to permit the departments of Fisheries and Wildlife to administer and enforce the fisheries, game, and wildlife codes. The De-



partment of Agriculture was also designated as the principal state agency for providing state marketing support services for private sector aquaculture.

**Department of Wildlife:** Many of the state's wildlife laws are administered by the Department of Wildlife. These laws define wildlife, in general, as being those species of the animal kingdom whose members exist in Washington in a wild state. The department may issue game farm licenses which permit private entities to hold or raise wildlife for commercial purposes, trade, or gift.

The laws administered by the department define deleterious exotic wildlife as being species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state. State law directs the Wildlife Commission to regulate the taking, sale, possession, and distribution of exotic wildlife. The commission has recently adopted more detailed rules regarding deleterious exotic wildlife. The rules add animals to the list of animals classified as being deleterious exotic wildlife, including Sika deer; expand the commission's importation restrictions on such wildlife; establish breeding restrictions; establish special rules for wildlife lawfully held in captivity before the adoption of the rules; require the deleterious wildlife to be confined in a secure facility and specify fencing and quarantine requirements; establish marking and genetic testing requirements; and impose certain reporting requirements.

**Summary:** It is state policy to encourage the development and expansion of alternative livestock farming.

**Alternative Livestock Definition and Designation Process:** Alternative livestock are species designated by a joint rule-making process of the directors of the departments of Agriculture and Wildlife. The process, which is used to identify vertebrate animals, can be initiated by either director or by any person registering with the Department of Agriculture as a grower of nontraditional animals. Species designated as alternative livestock must be confined by humans, raised or used in farm or ranch operations in the private sector, and produced on the farm or ranch. Alternative livestock does not include: a domestic dog or cat; a private sector aquatic product; an animal raised for release into the wild; an animal raised for hunting that takes place in Washington; or resident wildlife and animals raised for fur-farming or game-farming. Traditional livestock species may also be designated by the directors and regulated only by the Department of Agriculture.

If agreement on species designation and regulation is not reached by the directors, a scientific review board is convened to make a written recommendation to the directors as to the status of the species. The board will be composed of three members. One is to be appointed by the director of the Department of Wildlife, one by the director of the Department of Agriculture, and one appointed jointly by these two members. The board may hold hearings and take testimony prior to making a written recommendation to the directors. If the directors do not agree

within 30 days of receipt of the recommendation, the governor must make the final decision.

**Rocky Mountain Elk:** Rocky Mountain elk may be farmed in the same status and under the same regulatory provisions as alternative livestock if rules adopted jointly by the directors of the departments include methods that ensure genetic integrity of the species.

If and when such rules are adopted, the directors of the departments of Agriculture and Wildlife must jointly prepare a report within 90 days on the methods used to determine genetic integrity of farmed Rocky Mountain elk. Within two years of rule adoption, the directors are to jointly prepare a report on the status of farmed Rocky Mountain elk operations. The reports will be submitted to the Legislature.

**Hunting of Alternative Livestock:** Alternative livestock that are reared on or derived from an alternative livestock farm may not be hunted.

**Disease Control; Animal or Product Identification:** The director of the Department of Agriculture must establish and administer a program of disease inspection and control for alternative livestock. The purpose of the program is to protect the alternative livestock industry from the loss of animals or productivity and to protect wildlife. The director must also establish methods of identification requirements for alternative livestock and the products of such livestock to the extent that identifying them is necessary to permit the Department of Wildlife to administer and enforce effectively the wildlife and game laws of this state. Both disease control and identification programs are to be developed in consultation with the Department of Wildlife.

**Enclosures and Escape:** The directors of the departments of Agriculture and Wildlife are directed to study enclosure needs and to jointly adopt rules establishing enclosure standards for alternative livestock. An animal found to be outside of a required enclosure is declared to be a public nuisance and may be captured and impounded. The owner is liable for any damages caused by the animal and for any costs of impounding the animal.

**Regulatory Fairness Act:** A Small Business Economic Impact Statement must be prepared if rule-making under the bill restricts the economic utilization of a species being raised for commercial purposes in the state. The definition of "industry" in the Regulatory Fairness Act is expanded to include species being raised for commercial purposes and all industries specifically declared to be industries by a provision of state law.

**Indemnification Policy:** The departments of Agriculture and Wildlife, in consultation with the attorney general, are directed to develop recommendations and a report to the secretary of the Senate and the speaker of the House of Representatives on the establishment of an indemnification policy.

**Registration and Fees:** Owners of alternative livestock farms must register annually with the Department of Agriculture, and provide production data to the department.

## ESHB 1140

The directors of the departments of Agriculture and Wildlife must, in consultation with the Alternative Livestock Council, establish annual registration fees to fund the Alternative Livestock Program. The fees are to be deposited into the alternative livestock farm account within the agricultural local fund.

Growers of nontraditional animals must register with the Department of Agriculture within 180 days of the effective date of the bill.

**Meat Inspection:** Meat and meat by-products of alternative livestock may not be sold or distributed for consumption without being inspected by the Department of Agriculture, the United States Department of Agriculture, or another agency recognized by the Department of Agriculture for the task. The Department of Agriculture may establish an inspection program on a fee-for-service basis.

**Marketing; Brands; Alternative Livestock Council:** The Department of Agriculture is the principal state agency for providing state marketing support services for the alternative livestock industry. The department must develop a program for assisting the industry in marketing and promoting the use of its products. State laws providing brand registration services and brand protection expressly apply to alternative livestock. An Alternative Livestock Council is created. It is composed of seven members, four appointed by the director of the Department of Agriculture, and three appointed by the director of the Department of Wildlife. The council must advise the Department of Agriculture on all aspects of the industry.

**Exotic Wildlife:** Exotic wildlife is defined as any wild animal whose members do not exist in Washington in a wild state, but not including alternative livestock. The Department of Agriculture is authorized to conduct disease control activities for exotic wildlife.

### Votes on Final Passage:

House	93	5	
Senate	39	3	(Senate amended)
House	81	12	(House concurred)

### VETO MESSAGE ON ESHB 1135

May 18, 1993

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 1135, entitled:

"AN ACT Relating to Alternative Livestock;"

This bill establishes a state policy to encourage the development and expansion of alternative livestock farming. "Alternative livestock" are wild animals which are not native to this state that are being farmed for commercial purposes. I have serious doubts as to whether it is good policy for the state to encourage the development and expansion of alternative livestock farming without further study of the potential risks to our native wildlife and domestic animals and the harm that these risks could present to the hunting and recreational economy of the state.

In addition to my general concern on the policy of the bill, specific sections of the bill raise concerns as well. Section 12 provides a special exemption for the ranching of Rocky Mountain

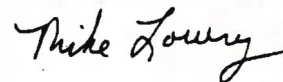
Elk. The Department of Wildlife would be faced with additional enforcement responsibilities of controlling the poaching of live wild elk and the trade of poached wild animal parts passed off as ranched.

Sections 13 and 14 would classify the farming of nonnative wildlife as an "industry" for purposes of the Regulatory Fairness Act, Chapter 19.85 RCW. This would provide the alternative livestock industry with a special preference in terms of the Regulatory Fairness Act and could require small business economic impact statements for the regulation of many additional industries.

Section 13 also requires the preparation of a report to the Legislature on an indemnification process to provide potential relief to the alternative livestock industry if a state regulatory action results in an economic loss. Such a policy would set a precedent which could result in high costs to the taxpayers of the state.

For these reasons, I am vetoing Engrossed Substitute House Bill 1135 in its entirety.

Respectfully Submitted,



Mike Lowry  
Governor

## ESHB 1140

C 240 L 93

Revising provisions relating to metropolitan municipal corporations.

By House Committee on Local Government (originally sponsored by Representatives Locke, Hom, H. Myers, Eide, Valle, Rust, Leonard, Basich, Franklin, Shin, Springer and J. Kohl).

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** A metropolitan municipal corporation (metro) is a local government that may be authorized by voters to perform one or more of the following functions: (1) public transportation, (2) water pollution abatement, (3) water supply, (4) garbage disposal, (5) parks and parkways, and (6) comprehensive planning.

Two metros have been created, the Metropolitan Municipal Corporation of Seattle (Seattle Metro), which has been authorized to provide public transportation and water pollution abatement, and SnoMet in Snohomish County, which has been authorized to engage in comprehensive planning but is inactive.

A metro is governed by a metropolitan council composed of members determined by a formula, including county elected officials, city elected officials, and other persons depending on various circumstances. This scheme of representation was found by Judge Dwyer, Western District of Washington, United States District Court, to violate the "one person, one vote" doctrine.

Any metro with boundaries that are coterminous with a county with a population of 210,000 or more may be "as-

sumed" by the county if the assumption is approved by a dual voter approval where the voters of both the largest city in the metro and voters of the remainder of the metro approve ballot propositions authorizing the assumption.

Voters in Seattle and in the remainder of King County approved ballot propositions at the November 1992 general election causing Seattle Metro to be assumed by King County. King County voters also approved a charter amendment at that election expanding the size of the King County Council from nine to 13 members. Each measure was contingent on approval of the other measure. The assumption and expansion of the King County Council become effective January 1, 1994.

Metros are granted a unique power to obtain "supplemental income." If a metro fails to balance its budget, the deficit is made up in the form of supplemental income that is taken from the component counties and component cities without authorization by the component counties and component cities.

A metro may incur general indebtedness without voter approval up to an amount equal to 0.75 percent of the value of the taxable property and with voter approval a total of up to 5 percent of the value of taxable property.

**Summary:** Statutes relating to metros are altered in a number of ways to clarify that a metro can be assumed by a county.

Where a metro has not been assumed by a county, membership on the metropolitan council is altered by replacing the existing formula that allocates council positions with a requirement that the metropolitan council consist of county officials, city officials, and others, as determined by agreement of the county legislative authority of each county included in the metro and at least one quarter of the cities located in the metro having at least 75 percent of the combined city population in the metro.

The ability is eliminated for a metro performing public transportation to have an appointed commission run this function rather than the metro council.

Except as the result of consolidating two or more metros, the boundaries of a metro may not be expanded to include territory located in a county that is not already included as part of the metro.

The requirement that a metro appoint a separate advisory committee if it is authorized to provide public transportation, water supply, or parks and parkways does not apply to a metro that has been assumed by a county.

The ability of a metro to obtain supplemental income from component counties and component cities is limited to circumstances where a metro has been assumed by a county and the estimated revenues of the metro are insufficient to make all debt service payments on general indebtedness that was issued prior to the assumption of the metro. When a metro has been assumed by a county, the county adopts a budget estimate by the third Monday in each June and adopts a budget for the metro at the time the normal county budget is adopted. By June 30 of each year,

a county that has assumed a metro shall adopt the rate for sewage disposal that will be charged to component cities and sewer districts during the following budget year.

The ability of a metro to use proceeds from the sale of general obligation bonds to fund a guaranty fund for its revenue bonds is abolished.

A county that has assumed a metro may incur additional non-voter approved general indebtedness beyond its existing limit of up to 0.75 percent of the value of taxable property exclusively for its authorized metro functions. With voter approval, a county that has assumed a metro may incur additional combined general indebtedness beyond its existing indebtedness of up to 2.5 percent of the value of taxable property exclusively for its authorized metro functions.

It is clarified that the 40 percent validation requirement to authorize voter approved general obligation bonds in a metro is 40 percent of the number of voters who voted, rather than votes cast, in the metro at the last state general election.

A metro is authorized to use facsimile signatures for any signatures that are required to be on its revenue bonds.

A metro may invest its moneys in any investment that a city may make, instead of any investment that a mutual savings bank may make.

**Votes on Final Passage:**

House	97	0	
Senate	39	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 25, 1993

**HB 1142**

C 176 L 93

Requiring a bond for a license to sell checks, drafts, or money orders.

By Representatives Zellinsky, Mielke, R. Meyers and Tate; by request of Department of General Administration, Division of Banking.

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

**Background:** In 1992, the Legislature adopted a licensing and regulatory program for businesses engaged in cashing and selling checks, drafts, or money orders. Part of the licensing program required the posting of a bond by applicants wishing to sell checks. The bond was intended to protect consumers against a loss of funds by the check seller that would result in the purchased check being dishonored for nonpayment. The bonding requirement did not clearly differentiate among the variety of bonds available for purchase by licensees.

**Summary:** The 1992 law is amended to clarify the bonding requirements for check sellers. Before a check seller may obtain a license, the seller must post a bond condi-



## HB 1143

tioned on the licensee's paying all persons who purchase checks, drafts, or money orders from the licensee which are dishonored due to insufficient funds or the closure of the licensee's bank account.

### Votes on Final Passage:

House 91 0  
Senate 45 0  
Effective: April 30, 1993

## HB 1143

C 75 L 93

Providing a procedure for consolidating cities or towns.

By Representatives Van Luven, G. Fisher, Reams, Bray, Edmondson, Brough and Springer.

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** Cities and towns may permit a community municipal corporation to be created in an area that annexes to the city or town if, either the petition/election or resolution election method of annexation is used to authorize the annexation, and the voters residing in the area that is proposed to be annexed approve a ballot proposition authorizing the community municipal corporation. A community municipal corporation exists for five years, but may be continued for successive five-year periods, if authorized by the voters of the community municipal corporation.

A community municipal corporation has an elected five-member community council that, within 60 days of adoption, may disapprove the following actions taken by the city or town council relating to the community municipal corporation: (1) a comprehensive plan; (2) a zoning ordinance; (3) a conditional use permit, special exception or variance; (4) a subdivision ordinance; (5) a subdivision plan; and (6) a planned unit development.

Community municipal corporations have been created in Bellevue, Kirkland, and Des Moines, each of which are code cities.

**Summary:** It is clarified that community municipal corporations may be formed when territory is annexed to a code city or whenever two or more cities or towns consolidate.

### Votes on Final Passage:

House 91 0  
Senate 45 0  
Effective: July 25, 1993

## SHB 1144

C 162 L 93

Providing a funding mechanism for the office of marine safety's field operations.

By House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Linville, Leonard, H. Myers, Campbell, Jacobsen, Valle, R. Fisher, Ogden, J. Kohl and Locke; by request of Office of Marine Safety).

House Committee on Environmental Affairs  
House Committee on Appropriations  
Senate Committee on Ecology & Parks

**Background:** In 1991, the Legislature enacted a measure to increase state involvement in activities to prevent oil spills in Washington state waters. To this end, the Legislature created a new state agency, the Office of Marine Safety, to develop state expertise in marine transportation safety issues. The Legislature directed owners of oil tank vessels and barges to prepare prevention plans describing efforts to reduce the likelihood of an oil spill. Owners of cargo and passenger vessels, as well as tankers and barges, had been directed by prior legislation to prepare spill response plans. The Legislature also directed the Office of Marine Safety to begin developing a mechanism to identify vessels that presented a risk to Washington State's environment. In addition, the office was instructed to examine the United States Coast Guard's vessel inspection program and recommend to the Legislature whether additional measures should be undertaken to supplement that program.

The office, in conjunction with similar agencies in Oregon and California, completed a review of the Coast Guard vessel inspection program and published a report on December 1, 1992. The report concluded that there were a number of deficiencies in the Coast Guard inspection program. The report recommended that the states assist the Coast Guard in improving its program and that the states should establish, where appropriate, programs to supplement the Coast Guard's inspection program. The report recommended that these supplemental programs should focus on the identification of high-risk vessels, vessel operations, and the human factors resulting in spills.

The 1991 legislation also created the Marine Oversight Board to "provide independent oversight of the actions of the federal government, industry, the department [of Ecology], and other state agencies with respect to oil spill prevention and response...." The board is composed of five members appointed by the governor.

State agency costs for implementing oil spill prevention and response activities are paid for from a 3 cents per barrel tax on oil imported into the state. The tax is deposited in the Oil Spill Administration Account.

**Summary:** The Office of Marine Safety is directed to establish a field operations program. The program shall emphasize high risk vessels, bunkering and lightering

operations, and data collection. The office is required to coordinate the program with the United States Coast Guard and, to the extent feasible, avoid duplication with the Coast Guard's inspection program. The office shall consult with the maritime industry, other governmental entities, and the public in establishing the program.

Beginning with the 1995-1997 Biennium, the Legislature is directed to give priority consideration to oil spill prevention activities that are funded from the oil spill administration account.

The Marine Oversight Board shall review activities funded out of the Oil Spill Administration Account and recommend to the governor and the Legislature priorities for funding with an emphasis on oil spill prevention activities. The Marine Oversight Board is also directed to develop recommendations for any additional fund sources that are necessary to fund the prevention and response activities required by state law. The board's report shall be submitted to the governor and the appropriate standing committees of the Legislature no later than November 1, 1993.

**Votes on Final Passage:**

House 95 2  
Senate 44 0

**Effective:** July 1, 1993

**HB 1150**

C 165 L 93

Repealing the sunset provisions of the counselor registration statute.

By Representatives Anderson, Veloria, Pruitt, King, Brough, Vance, Fomer, Valle, Eide and Jacobsen.

House Committee on State Government  
Senate Committee on Government Operations  
Senate Committee on Health & Human Services

**Background:** In 1987, the Legislature established the counselor registration and certification program. Under the program, all counselors who charge a fee for their services are required to register with the Department of Health. Additionally, counselors may be certified as social workers, mental health counselors, or marriage and family therapists if they pass an examination and meet specific requirements as to education and experience.

The counselor registration and certification program was enacted to educate the public as to the qualifications and practices of counselors and to protect the public against abusive practitioners. Under the program, counselors are subject to the provisions of the Uniform Disciplinary Act.

The Department of Health currently administers the counselor registration and certification program. According to the department, there are approximately 12,000 registered and certified counselors in the state.

The counselor registration and certification program is scheduled to terminate on June 30, 1994.

**Summary:** The termination provisions of the counselor registration and certification statute are repealed.

**Votes on Final Passage:**

House 97 0  
Senate 43 0

**Effective:** July 25, 1993

**EHB 1152**

C 76 L 93

Authorizing and encouraging the state supreme court to denominate the Washington state bar association a public employer for collective bargaining purposes.

By Representatives Thibaudeau, Heavey, King, Vance, Veloria, G. Cole, Riley and J. Kohl.

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

**Background:** The Public Employees' Collective Bargaining Act (PECBA) establishes procedures for public employees to implement their right to join labor organizations of their own choosing and to be represented in matters concerning their employment relations with public employers. The collective bargaining statutes generally apply to political subdivisions of the state but not to the state itself. Employees of the Washington State Bar Association are not specifically covered by any collective bargaining statutes.

Although the bar association was established by legislative enactment, the Washington Supreme Court maintains supervisory and regulatory control over the bar association. The court has held that this function derives from its inherent constitutional powers as a separate, independent branch of government.

In another case, the Washington Supreme Court approved application of the PECBA to court employees, with respect to bargaining for wages with the county. The court found that wage bargaining with the county did not affect the judiciary's power to control and administer the courts. In 1989 and 1992, the Legislature amended the PECBA to permit court employees to bargain non-wage matters with district and superior court judges, respectively.

**Summary:** The Washington Supreme Court is encouraged and authorized to provide by rule that the Washington State Bar Association is considered a public employer under the Public Employees' Collective Bargaining Act.

**Votes on Final Passage:**

House 73 23  
Senate 28 17

**Effective:** July 25, 1993

SHB 1156

C 189 L 93

Transferring county sheriff's office employees.

By House Committee on Local Government (originally sponsored by Representatives H. Myers, Ludwig, Scott, Riley, Cothem, R. Meyers, L. Johnson and Ogden).

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** City police department employees are allowed to transfer to the county sheriff's office if the employees are separated from employment because the city contracts with the county for law enforcement services.

To be eligible to transfer, the police department employee: must have been employed exclusively or principally in performing the duties to be performed by the county sheriff's office under the contract; will be separated from the employment of the city as a direct consequence of the contract; and must meet the minimum standards and qualifications of the sheriff's office. There is no law authorizing the transfer of employees of the sheriff's office to a city police department.

**Summary:** When any portion of the unincorporated area of a county is to be annexed by or incorporated into a city or town, an employee of the sheriff's office may transfer employment to the police department of the city or town if the employee: was employed exclusively or principally in performing duties of the sheriff's office; will as a direct consequence of the annexation or incorporation be separated from the employment of the county; and can perform the duties and meets the minimum standards and qualifications of the position to be filled with the police department of the city or town. A city or town is not required to accept the voluntary transfer of employment of a person who would not be laid off.

An eligible employee who wishes to transfer into a police department must file a written request with the civil service commission of the city or town. The employee will become a police officer of the city or town if the city or town determines that such services are needed. The needed employees are taken in order of seniority. Employees who are not immediately hired are placed on a reemployment list for a period not to exceed 36 months, unless a longer time period is agreed upon. This 36-month time period commences on the effective date of an annexation, or in the case of an incorporation, on the date the city creates its own police force. The county sheriff's office must rehire former employees on this re-employment list before hiring new employees in the sheriff's office.

An employee who transfers into a police department is placed on probation for the same period as are new employees in the same classification. The employee is eligible for promotion after completion of the probationary period, and must receive at least the same salary as new employees in the same classification. The employee may not

transfer accrued benefits to the city or town unless the city or town agrees. The county is responsible for compensating the employee for accrued benefits unless the county and the city or town reach a different agreement. Benefits will accrue based on the combined seniority of the employee in the sheriff's office and the police department. For purposes of layoffs by the city or town, only the time of service accrued with the city or town shall apply unless a different agreement is reached.

A city or town retains the right to select the police chief regardless of seniority.

**Votes on Final Passage:**

House 97 0  
Senate 44 1

**Effective:** July 25, 1993

ESHB 1157

C 294 L 93

Specifying a procedure for emancipation of minors.

By House Committee on Human Services (originally sponsored by Representatives Ludwig, Riley, Chappell, Johanson, Foreman, Appelwick, H. Myers, Scott, Jones, Leonard, Franklin, Springer and Karahalios).

House Committee on Human Services  
Senate Committee on Law & Justice

**Background:** Currently there is no statutory process providing for the emancipation of minors by the courts. Emancipation of a minor involves the relinquishment of parental rights, support obligations and control over a minor child who demonstrates maturity, with the assumption by the minor of the legal capacity of an adult for certain purposes.

The law accords to a person full adult status at 18 years of age, the so-called age of consent, but provides some important exceptions. The consumption of alcoholic beverages is expressly prohibited before the age of 21. However, a minor under the age of 18 may consent for a variety of specified purposes under the law. These include such things as: treatment of a sexually transmitted disease, HIV testing and outpatient treatment for alcohol and drug abuse at age 14; outpatient mental health treatment at age 13; and emergency medical treatment where consent is presumed.

A minor is deemed to be an adult if married to a person of full age, though parental consent to marry is required.

In addition, a minor may enter into contracts, but may disaffirm any contract within a reasonable time after attaining the age of majority if any money or property obtained under the contract is returned.

The capacity of a minor to consent has also evolved from common law principles including the Emancipated Minor doctrine and the Mature Minor rule. The Emancipated Minor doctrine is a process used by the courts for emancipating a minor, generally at the request of a parent.



The Mature Minor rule is a process for securing the informed consent for health treatment of a minor by a health provider in the absence of a parent and where the health provider is satisfied that the minor is able to understand the nature and risks of the proposed treatment.

In Washington, the courts treat the capacity of a minor to consent for health care as a question of fact to be determined from the circumstances of each case. The factors the courts have used are age, intelligence, maturity, training, experience, economic independence, general conduct and freedom from parental control.

Minors are limited by law in the number of hours they may work in accordance with rules of the Department of Labor and Industries. The approval of the minor's parents and school is required for obtaining a work permit.

**Summary:** A minor who is at least 16 years of age, may petition the superior court for a declaration of emancipation that includes certain vital information and a declaration that the petitioner has the ability to manage financial, personal, social, educational and nonfinancial affairs.

A copy of the petition and notice of hearing is to be served on the parents or guardian at least 15 days prior to the hearing, which shall be held no later than 60 days from the filing of the petition. Also, notice must be sent to the Department of Social and Health Services (DSHS) if the petitioner is subject to a dependency disposition order.

The judge may appoint a guardian ad litem to investigate the allegations in the petition.

The judge shall grant the petition upon a finding by clear and convincing evidence that the petitioner has the ability to manage his or her financial affairs, as well as personal, social, educational and nonfinancial affairs.

The judge shall deny the petition if the parents or guardian or DSHS oppose the petition and prove by clear and convincing evidence that emancipation would be detrimental to the interests of the minor.

If granted, the petition shall terminate parental responsibilities and the emancipated minor shall have the legal capacity of an adult, including the right to sue and be sued, to retain earnings, to establish a separate residence, to enter into nonvoidable contracts, to act autonomously in business and property transactions, to work (subject to health and safety regulations protecting minors) ; and to consent for health care services.

However, a declaration of emancipation shall not affect adult criminal laws, except when a juvenile offender is referred for adult criminal prosecution or where the minor is a victim and age is an element of the offense. Also, A declaration of emancipation shall not alter specific age requirements established by law, such as use of alcoholic beverages, voting, and health and safety regulations protecting minors.

A declaration of emancipation obtained by fraud can be declared void by the court.

Emancipated minors are not subject to the limitation of hours worked under rules of the Department of Labor and

Industries, nor the necessity of approval by parents or a school for obtaining work permits required of minors in certain occupations.

**Votes on Final Passage:**

House	81	16	
Senate	42	7	(Senate amended)
House	78	17	(House concurred)

**Effective:** January 1, 1994

**HB 1165**

C 241 L 93

Revising provisions relating to guardians ad litem for juveniles.

By Representatives Riley, Cooke, Leonard, Appelwick and Johanson.

House Committee on Human Services  
Senate Committee on Health & Human Services

**Background:** The court is required to appoint a guardian ad litem or attorney to represent a child who is the subject of a dependency action or of a proceeding related to child abuse and neglect. There is currently no definition in statute of a "guardian ad litem" or a "guardian ad litem program."

**Summary:** A guardian ad litem is defined as a person appointed by the court to represent the best interests of the child. A guardian ad litem program is defined as a court-authorized volunteer program designed to manage all aspects of volunteer guardian ad litem representation of children alleged or found to be dependent. Court procedures for the appointment of a guardian ad litem related to the duration of the appointment, the legal standing of the guardian ad litem, and the specific duties of the guardian ad litem are established. Guardian ad litem programs will maintain background information records on guardians ad litem and update the information annually.

**Votes on Final Passage:**

House	98	0	
Senate	46	0	(Senate amended)
House	95	0	(House concurred)

**Effective:** July 25, 1993

**HB 1168**

C 295 L 93

Leasing beds of tidal waters.

By Representatives King, Chappell, Basich, Orr, Fuhrman, Flemming, Springer and Wood.

House Committee on Fisheries & Wildlife  
Senate Committee on Natural Resources

## SHB 1169

**Background:** The Department of Natural Resources (DNR) manages two million acres of state-owned aquatic lands. Aquatic or submerged lands include tidally influenced lands such as tidelands and bedlands, as well as the beds and shores of navigable freshwater bodies. These aquatic lands were granted to Washington State by the federal government in 1889. Almost 45,000 acres of tidelands have been sold by the state to private individuals for commercial cultivation of oysters and clams.

Oysters, clams, mussels, scallops, shrimp and other species located on state-owned aquatic lands fall under the department's management jurisdiction. The department is authorized to lease aquatic lands for cultivating oysters, clams or other edible shellfish, or for other aquaculture use. Commercial oyster and clam cultivation and harvesting is authorized by the department on approximately 4,450 acres of state-owned aquatic lands. The maximum lease length is established by statute at 10 years. Currently, DNR has 163 leases for all types of aquaculture. Under the existing 10-year limit, the department renews 25 to 30 leases per year.

**Summary:** The maximum lease length for an aquatic lands lease and renewal lease for the purposes of planting and cultivating oyster beds, cultivating clams or other edible shellfish, or other aquaculture use is extended from 10 to 30 years. The maximum parcel size of 40 acres for oyster aquaculture leases from the Department of Natural Resources is removed.

### Votes on Final Passage:

House	97	0	
Senate	40	4	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 25, 1993

## SHB 1169

C 296 L 93

Regulating marine finfish rearing facilities.

By House Committee on Fisheries & Wildlife (originally sponsored by Representatives King, Basich, Orr, Fuhrman, Chappell and Wood).

House Committee on Fisheries & Wildlife  
House Committee on Appropriations  
Senate Committee on Natural Resources  
Senate Committee on Ways & Means

**Background:** Aquaculture is defined in statute as "the process of growing, farming, or cultivating private sector cultured aquatic products in marine or fresh waters and includes management by an aquatic farmer." Aquaculture products include oysters, clams, and finned fish. In Washington, commercial finned fish aquaculturists primarily raise Atlantic or coho salmon in Puget Sound, where there are approximately 13 floating commercial net pen facilities. Salmon are initially hatched and reared in a freshwa-

ter environment until they are smolts - ready for the marine environment. The smolts are transferred to net pens, and are held in net enclosures until they reach marketable size.

Environmental concerns associated with net pen facilities were identified by the Department of Fisheries in a 1990 Programmatic Environmental Impact Statement on floating net pens. These include water pollution, effect on benthic invertebrates, genetic mixing with native species, odors, noise, disease, and visual quality.

Under the federal Clean Water Act, National Pollution Discharge Elimination System (NPDES) permits are required for waste discharges from all upland finned fish and net pen facilities that produce more than 20,000 pounds of fish annually. The Department of Ecology (DOE) administers this permitting process. Under state law, commercial or industrial net pen facilities must obtain a state discharge permit if discharging waste into water of the state, regardless of the size of the facility. If the DOE does not act on a state discharge permit application within 60 days, the applicant is deemed to have received a temporary permit and may begin to discharge effluent. No such provision exists for NPDES permits. Under both state and federal law, a "general permit" may be issued when a large number of dischargers dispose similar types of effluent. Standard permit requirements are developed under the general permit.

The issuance of NPDES permits to marine finned fish rearing facilities has recently been delayed. In April of 1990, the DOE issued three NPDES permits to marine net pens. These permits were appealed by the Marine Environmental Consortium, Protect Our Waters and Environmental Resources and the Washington Environmental Council. A settlement agreement between the DOE, appellants, and permittees was reached in May 1991, allowing reduced production by the net pen permittees while recommendations by the parties on net pen regulations were developed. The recommendations will be tied to the results of the investigations of a scientific panel on net pen siting. The scientific panel is scheduled to complete a draft report by May 15, 1993, and submit recommendations for regulations including waste discharge standards by February 24, 1994.

**Summary:** "Marine finfish rearing facilities" are defined as "private and public facilities located within the saltwater of the state where finfish are fed, nurtured, held, maintained, or reared to reach the size of release or for market sale."

By October 31, 1994, the Department of Ecology is directed to adopt criteria for allowable sediment impacts from organic enrichment due to marine finfish rearing facilities. By June 30, 1995, the department is directed to adopt standards under the Administrative Procedure Act for waste discharges from marine finfish rearing facilities. In establishing these standards, the department is directed to review and incorporate studies conducted by state and federal agencies on waste discharges from marine finfish rearing facilities and any reports and other materials pre-

pared by technical committees on waste discharges from these facilities. The department is required to approve or deny discharge permit applications for marine finfish rearing facilities within 180 days from the date of application, unless a longer time is needed to satisfy public participation requirements in the permit process in accordance with applicable rules, or compliance with the State Environmental Policy Act (SEPA). The department must notify applicants as soon as it determines that a proposed discharge meets or fails to comply with the standards, or if a time period longer than 180 days will be needed to satisfy public participation requirements of the SEPA.

**Votes on Final Passage:**

House	98	0	
Senate	44	1	(Senate amended)
House	96	0	(House concurred)

**Effective:** July 25, 1993

**HB 1174**  
C 77 L 93

Regarding the study of American Indian languages and cultures.

By Representatives Jacobsen, Dellwo, Brumsickle, Ogden, J. Kohl, G. Cole, R. Fisher, Dunshee, Pruitt, Van Luven, Johanson, Wood, Leonard and Basich.

House Committee on Higher Education  
Senate Committee on Higher Education

**Background:** By law, each student who graduates with a teaching credential from a Washington institution of higher education must take at least one course in either Washington State or Pacific Northwest history and government. The State Board of Education may adopt rules waiving this requirement for prospective teachers.

By law, the Higher Education Coordinating Board establishes minimum admission standards for state-supported four-year universities and colleges. At its discretion, each institution may adopt more rigorous standards than those established by the board. The authority to establish these standards has one limitation. Course work in sign language must satisfy any foreign language admissions requirement that either the board or the institutions adopt.

The board has adopted an admissions requirement that each entering student have two years of a single foreign language before entering a four-year university or college. The student must study the language in school, during the eighth grade or later. Two years of study in American Sign Language will satisfy this requirement. No other foreign language is specified in the board's admissions guidelines. The foreign language requirement is waived for students from non-English speaking countries who enter the United States education system in the eighth grade or later.

Some members of the Indian Educators' Association have expressed concerns about the lack of training new

teachers receive in culture and history of Washington's Native Americans. In addition, these educators report that Native American languages are not taught for credit in the state's public schools.

**Summary:** Any course in Washington State or Pacific Northwest history and government taught to fulfill statutory requirements for future teachers will include information on the culture, history, and government of the American Indians of the state and region.

Course work in an American Indian language will satisfy any admissions requirement adopted by either the Higher Education Coordinating Board or the public institutions of higher education for instruction in a language other than English.

The phrase "language other than English" replaces "foreign language" in the statute governing minimum admissions standards for public colleges and universities.

**Votes on Final Passage:**

House	92	0
Senate	45	1

**Effective:** July 25, 1993

**EHB 1175**  
C 371 L 93

Regarding the study of American Indian languages and cultures in the common schools.

By Representatives Jacobsen, Dellwo, Dorn, J. Kohl, Brumsickle, Linville, Dunshee, Pruitt, Johanson, Wood, Leonard and Basich.

House Committee on Education  
Senate Committee on Education

**Background:** American Indians have expressed concern that their children are no longer learning the Indian languages. Part of the reason is that Indian languages are rarely taught in schools.

In addition, it is thought that the term "foreign language" is often used inappropriately. As the original inhabitants of North America, American Indians think English is the foreign language.

A concern also exists that history classes in the state's schools do not provide enough information regarding the culture, governance and history of American Indian peoples.

The dropout rate of American Indian students in the state's public schools is more than twice the overall state dropout average. Some suggest the lack of accurate instruction and perspective about American Indians contributes to poor self image and low retention of American Indian students.

**Summary:** References to "foreign" languages in the education code are changed to "languages other than English." When references to "languages other than English" are

## SHB 1183

made relative to course offerings and high school graduation requirements, it is clarified that American Indian languages qualify as languages other than English.

Schools are encouraged to include information on the culture, history, and government of American Indian peoples in Washington State history and government classes.

### Votes on Final Passage:

House	98	0	
Senate	40	2	(Senate amended)
House			(House refused to concur)

### Conference Committee

Senate	37	2
House	98	0

Effective: July 25, 1993  
September 1, 2000 (Section 2)

## SHB 1183

C 513 L 93

Making it a crime for a person under age twenty-one to be under the influence of intoxicating liquor or drugs in public.

By House Committee on Judiciary (originally sponsored by Representatives Chappell, Brumsickle, Riley, Tate, Sehlin, Ludwig, H. Myers, Johanson, Brough, Van Luven, R. Meyers, Ballard, Padden, Sheahan, Talcott, Roland, Long, Holm, Wang, Ballasiotes, Mielke, Wood, Foreman and Vance).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** It is unlawful for a person under the age of 21 years old to acquire, possess, or consume liquor. It is also unlawful for a person to allow an underage person to consume liquor on premises under the first person's control. These offenses are covered by a general penalty provision in the Liquor Code that establishes the following penalties: for a first offense, up to two months in jail and a \$500 fine; for a second offense, up to six months in jail; and for a third offense, up to one year in jail.

Exceptions to these prohibitions against possession or consumption by an underage person are provided for the following circumstances:

- (1) when liquor is consumed by a person under the age of 21 in the presence of the person's parent. This exception does not apply in a licensed premises;
- (2) when liquor is given to a person under the age of 21 for medicinal purposes by a parent, physician, or dentist; or
- (3) when liquor is given to a person under the age of 21 as part of a religious service and in the minimum amount necessary for the service.

In 1988, the Legislature made a violation of this "minor in possession" law an offense for which a police officer may make an arrest without a warrant and without having witnessed the offense. However, the state Supreme Court

has ruled that alcohol in the body does not amount to "possession" or "consumption" under this law.

A number of other provisions in the Liquor Code also prohibit underage persons from acquiring, attempting to acquire, or consuming liquor. A general provision makes it a misdemeanor for anyone to buy liquor from an illegal source. Likewise, it is illegal for anyone, including an underage person, to consume liquor in a public place or on a public conveyance. Underage persons in particular are prohibited from applying for a liquor permit, purchasing liquor, entering or remaining in a tavern or cocktail lounge, or misrepresenting their age in order to enter a tavern or lounge.

In addition to the criminal penalties that apply to persons under age 21 who violate any of the above mentioned provisions, a loss of driving privileges also applies to any person between the ages of 12 and 18 who violates one of these or any other provision of the Liquor Code.

There is no general prohibition against adults or minors being in public while under the influence of liquor or drugs. The crime of being drunk in public was repealed several years ago. The Legislature has declared it the policy of the state that intoxicated persons may not be criminally prosecuted solely because of their intoxication. While the Uniform Controlled Substances Act prohibits the possession of certain drugs, it does not make being under the influence of a drug illegal. The state's driving while intoxicated law makes it illegal to operate or be in physical control of a vehicle while under the influence of alcohol or drugs.

**Summary:** It is a misdemeanor for a person under the age of 21 to be in public, or in a car that is in a public place, while exhibiting the effects of having consumed alcohol. The effects of consuming alcohol are demonstrated by the odor of alcohol on the person's breath and either (1) the presence of a liquor container or (2) behavior by the person showing that he or she is under the influence of alcohol.

These new criminal provisions do not apply if the person under age 21 is in the presence of a parent or if the alcohol was consumed for religious or medical reasons.

A definition of "premises," explicitly including cars and boats, is added for purposes of the prohibition against permitting a person under the age of 21 to consume alcohol on premises under another person's control.

### Votes on Final Passage:

House	98	0	
Senate	38	6	(Senate amended)
House	95	0	(House concurred)

Effective: July 25, 1993

**HB 1184**  
C 70 L 93

Modifying the requirements for the formation of a less than county-wide port district.

By Representatives Edmondson, Mastin, Sehlin, Bray, Ludwig and Grant.

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** A port district may be created that is county-wide.

In 1992, for the third time since port districts were initially authorized to be created, legislation was enacted authorizing less than countywide port districts to be created if: (1) the port district has at least \$75 million in assessed valuation; (2) the county borders on the saltwater; and (3) the county already has a less than countywide port district.

This legislation expires on July 1, 1997.

**Summary:** A less than countywide port district may be created in a county that does not border on the saltwater.

**Votes on Final Passage:**

House	92	4
Senate	47	0

**Effective:** July 25, 1993

**HB 1188**  
FULL VETO

Requiring delivery of a copy of a lien document to the owner of the property subject to the lien.

By Representatives Morton, Appelwick, Padden, Ballasiotes, Ludwig, Sheahan, Tate, Fuhrman, Silver, Johanson, Long, Flemming, Mielke and Springer.

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** In 1988, the Legislature enacted the Uniform Federal Lien Registration Act. The act governs notices affecting federal tax liens and other federal liens. Notices of federal liens upon real property must be recorded in the county where the real property is located. The act does not require that a copy of the lien document be sent to the property owner.

**Summary:** A federal lien recorded against real property may be recorded only upon certification that a copy of the lien document has been sent by registered or certified mail to the owner of the real property subject to the lien.

**Votes on Final Passage:**

House	94	0	
Senate	44	0	(Senate amended)
House	95	0	(House concurred)

**VETO MESSAGE ON HB 1188**

May 18, 1993

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 1188, entitled:

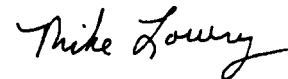
"AN ACT Relating to liens;"

House Bill No. 1188 seeks to ensure that property owners receive notice that a federal lien has been filed against their property by providing that such liens may be filed only if the federal government certifies that a copy of the lien document has been sent by registered or certified mail to the property owner.

Although well-intentioned, House Bill No. 1188 appears to conflict with a federal constitutional provision that vests Congress with exclusive authority to impose and collect federal taxes. Based on this provision, the United States Supreme Court has held that states do not have authority to impose conditions on the collection of federal taxes, unless otherwise provided by Congress. Because Congress has not authorized states to impose a condition like the one contained in House Bill No. 1188, the bill appears to be constitutionally infirm. In addition, House Bill No. 1188 effectively discriminates against the federal government because state tax collection activities are not subject to the condition it imposes.

Based on these constitutional concerns, I have vetoed House Bill No. 1188 in its entirety.

Respectfully Submitted,



Mike Lowry  
Governor

**SHB 1195**  
C 297 L 93

Allowing a person to dictate the disposition of his or her remains.

By House Committee on Judiciary (originally sponsored by Representatives Anderson, Sommers, Jacobsen, G. Cole, Johanson, J. Kohl and Leonard).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** In the absence of directions by the decedent, the right to control the disposition of remains vests in the following people in the order named: the surviving spouse of the decedent; the surviving children of the decedent; or the surviving parents of the decedent. There is no indication of what constitutes valid "directions" by the decedent. Liability for the reasonable costs of the preparation, care, and disposition of remains devolves jointly and severally upon all kin of the same degree of kindred in the named order, and upon the estate of the decedent.

**Summary:** The right of a person to control the disposition of his or her remains without the consent of another person is explicitly provided. The decedent's wishes concerning

## ESHB 1197

the place or method of disposition of his or her remains are accomplished through a written authorization, signed by the decedent in the presence of a witness.

Prearrangements that are prepaid or that are filed with a licensed funeral establishment or cemetery authority are not subject to cancellation or substantial revision by survivors. A funeral establishment or cemetery authority is not liable for acting upon such prearrangements in the absence of actual knowledge of contrary legal authorization by the decedent.

The siblings of the decedent and a person acting as a representative of the decedent are added to the list of persons upon whom the right to control disposition of remains vests in the absence of directions by the decedent. The list is further modified to specify that the right to control disposition of remains will vest in only those children of the decedent who are adults.

The right to control the disposition of the remains as well as the duty, and liability for the reasonable cost, of disposition, passes to specified kin or to an authorized representative of the decedent, in any of the following circumstances:

- (1) The decedent has not made a prearrangement;
- (2) The costs of executing the decedent's wishes exceed a reasonable amount; or
- (3) The decedent has not given directions for the disposition of his or her remains.

### Votes on Final Passage:

House	97	0	
Senate	43	2	(Senate amended)
House	95	0	(House concurred)

Effective: July 25, 1993

## ESHB 1197

### PARTIAL VETO

C 312 L 93

Allowing families to retain a greater percentage of income before public benefits are reduced or terminated.

By House Committee on Human Services (originally sponsored by Representatives Leonard, Cooke, Riley, Flemming, Valle, Brown, G. Cole, Mielke, Veloria, Wineberry, Dorn, Anderson, J. Kohl, Karahalios, H. Myers, Vance, Ogden, King, Jones, Eide, Johanson, R. Meyers, Cothorn, Roland, Holm, Wolfe, Franklin, Thibaudeau, Springer, Basich, Kremen, Foreman, Kessler, Campbell, Dunshee, Lemmon, Linville and Pruitt).

House Committee on Human Services  
House Committee on Appropriations  
Senate Committee on Health & Human Services  
Senate Committee on Ways & Means

**Background:** A large group of legislators, public assistance recipients, state agency staff, human service advo-

cates, and academics conducted an extensive review of our state's public assistance program. The motivation for this review is the scheduled termination of the Family Independence Program (FIP) on June 30, 1993 and the desire to incorporate the positive aspects of the FIP demonstration project into the statewide Job Opportunities and Basic Skill Program (JOBS). Seven community forums were held around the state in June 1992 to receive input directly from recipients of public assistance and to develop a series of recommendations for a post-FIP welfare employment and training program. Forums were held in Yakima, Everett, Seattle, Tacoma, Spokane, Vancouver, and Port Angeles. One hundred ten citizens testified on problems with the current welfare system.

Testimony at the forums held around the state indicated that the majority of public assistance recipients who testified would rather be working. The problem experienced by many recipients is that it is difficult for parents on Aid to Families with Dependent Children (AFDC) to get and keep a job if the barriers to employment are not addressed. The FIP and JOBS programs offer recipients the education, training, and support services to gain independence, but implementation problems and resource restrictions pose problems for recipients in utilizing everything these programs are capable of providing.

**Summary:** Recipients of Aid to Families with Dependent Children will be allowed to retain more earned income before their welfare grant is reduced. The Department of Social and Health Services will design a statewide program for recipients of Aid to Families with Dependent Children which provides varying intensities of education, work, and work experience for recipients. The department will prepare a pilot project of electronic benefit transfer for food stamps, Aid to Families with Dependent Children, and the Women, Infants, Children programs. The department will seek necessary federal approval to eliminate the 100-hour rule for recipients of the Aid to Families with Dependent Children-Employable Program. The department will determine the most appropriate living situation for teenage recipients of Aid to Families with Dependent Children. The department is authorized to provide grants to community action agencies and other nonprofit organizations to assist recipients of Aid to Families with Dependent Children. The department will exclude child support and income in determining food stamp eligibility. Aid to Families with Dependent Children benefits for certain 18 to 20 year old students are allowed. Some target group compliance with the JOBS program is made voluntary.

### Votes on Final Passage:

House	98	0	
Senate	38	9	(Senate amended)
House	94	0	(House concurred)

Effective: July 25, 1993

July 1, 1993 (Sections 3 - 5)

July 1, 1994 (Section 2)



**Partial Veto Summary:** The governor's partial veto removes the requirement that the Department of Social and Health Services provide benefits to students between the ages of 18 and 20 through the Aid to Families with Dependent Children program.

**VETO MESSAGE ON ESHB 1197**

May 12, 1993

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6,  
Engrossed Substitute House Bill No. 1197 entitled:

"AN ACT Relating to public assistance."

Engrossed Substitute House Bill 1197 includes a number of progressive measures aimed at helping families on public assistance become independent by removing work disincentives and encouraging young people to complete their schooling.

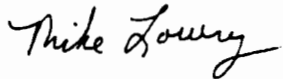
Section 6 of the bill would establish an "essential persons" program for full-time students between the ages of 18 and 20 within the Aid to Families with Dependent Children program. This would allow these individuals to be included as part of the family unit for purposes of calculating benefits, providing an incentive for young people to complete high school or go on to enroll in college or vocational school.

I applaud the direction the Legislature has taken in recognizing the importance of education in our effort to break the cycle of poverty. However, the operating budget bill passed by the Legislature does not include funding to implement this program. I do not believe that the Legislature intended that this bill result in expenditures in the 1993-95 biennium except those specifically authorized and funded in the budget. I believe that the veto of section 6 is necessary to reflect the Legislature's actual intent in enacting this bill.

For these reasons, I have vetoed Section 6 of Engrossed Substitute House Bill No. 1197.

With the exception of Section 6, Engrossed Substitute House Bill No. 1197 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

**ESHB 1198**

C 373 L 93

Implementing recommendations of the juvenile issues task force.

By House Committee on Human Services (originally sponsored by Representatives Leonard, Padden, Appelwick, King, Brough, Johanson, Jones, Roland, Long, G. Cole, Veloria, Horn, Karahalios, Springer, Wood, Flemming, Kessler, Lemmon and Pruitt).

House Committee on Human Services  
Senate Committee on Law & Justice

**Background:** The Juvenile Issues Task Force was created in 1990 to review: (1) the Juvenile Justice Act of 1977 as

amended; (2) the At-Risk Youth Act of 1990; and (3) statutes related to youth. The task force was made up of 32 individuals representing professionals in the juvenile justice and youth services field, citizens, and legislators. The task force recommended statutory changes related to juvenile offenders, at-risk youth, runaways, families in conflict, and children with mental health or alcohol and drug needs. The task force recommendations were included in ESHB 2466, which was enacted during the 1992 Legislative Session. Governor Gardner signed the legislation on April 2, 1992, and vetoed several provisions of the bill, including giving judges greater discretion in sentencing juvenile offenders, housing juveniles in alternate residential settings, providing parents a greater role in treatment decisions for children suffering from mental health and alcohol or substance abuse problems, and issues related to racial disproportionality.

**Summary:** Definitions of community service, community supervision, community-based rehabilitation, monitoring and reporting requirements, and detention facilities are modified to clarify the sentencing options available to judges in sentencing juveniles. Juvenile courts are granted greater discretion in housing juveniles in detention facilities. Detention facilities can include secure and non-secure detention facilities. The Department of Social and Health Services is required to monitor any disproportionality which may result from the greater discretion provided to judges and juvenile courts.

**Votes on Final Passage:**

House	95	0	
Senate	48	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 25, 1993

**ESHB 1209**

C 336 L 93

Reforming education.

By House Committee on Education (originally sponsored by Representatives Peery, Ballard, Dorn, Jones, Brough, R. Meyers, Cothorn, Sheldon, Brumsickle, Roland, Eide, Holm, Jacobsen, Thomas, J. Kohl, Ogden, Franklin, G. Cole, Veloria, Wang, H. Myers, Horn, Scott, Karahalios, L. Johnson, Thibaudeau, Wolfe, Leonard, Locke, Basich, Orr, Kessler, Campbell, Linville, Pruitt and Wineberry; by request of Council on Education Reform and Funding).

House Committee on Education  
House Committee on Appropriations  
Senate Committee on Education

**Background:** In May 1991, Governor Gardner created the Governor's Council on Education Reform and Funding. The council, which was composed of legislative, school, and business leaders, developed recommendations de-

signed to improve the education system. The final report of the council was completed in December 1992, and many of its recommendations were incorporated in the initial version of this legislation (House Bill 1209).

The recommendations included, but were not limited to, student learning goals, changes to the duties of the Commission on Student Learning, school improvement grants, educator assistance programs, technology initiatives, and social service collaboration programs.

**STUDENT LEARNING GOALS**

The "Basic Education Act" provides the framework for state funding of K-12 education. The goal of the act is "...to provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning." The skills that are "requisite to learning" include being able to: (1) distinguish, interpret, and make use of words, numbers, and other symbols; (2) organize words and other symbols into acceptable verbal and nonverbal forms of expression; (3) perform intellectual functions; and (4) use various muscles necessary for coordinating physical and mental functions.

**COMMISSION ON STUDENT LEARNING**

The 1992 Legislature approved legislation (SSB 5953) establishing a Commission on Student Learning that is to develop new student assessment and school accountability systems for public K-12 schools. The assessment system is to be based on new student learning goals adopted by the 1993 Legislature. The elementary grade assessment is to be implemented in the 1996-97 school year, while the secondary grade assessment is to be implemented in the 1997-98 school year. Successful completion of the secondary assessment will lead to a "Certificate of Mastery," which will be required for graduation.

The act also began the process of reducing state-level control of how instruction is provided in local school districts. With the "performance-based" system created in SSB 5953, state-level accountability will concentrate more on how well students are learning, and less on state-level regulation and control of how instruction is provided in schools and school districts.

**STUDENT LEARNING IMPROVEMENT GRANTS**

Surveys of teachers participating in the Schools for the 21st Century Program indicate that the most important component of the program was the extra days provided school personnel to jointly plan and implement school improvement strategies. The extra time allowed teachers to devise more effective instructional practices, collaboratively solve problems, and better meet the unique needs of their students. It is argued that if educators are not provided with additional staff development and planning time, widespread school improvement efforts will proceed very slowly, if at all.

**EDUCATOR TRAINING AND ASSISTANCE PROGRAMS**

Teacher Assistance Program/Mentor Pilot Program: In 1985, a program was created to assist beginning teachers during their first year of teaching. In subsequent years, the program was expanded so that mentors could be provided for experienced teachers, but few mentors for experienced teachers have been funded.

The Governor's Council on Education Reform recommended mentors be funded for experienced teachers who are having difficulty, and programs be developed using individuals who work full-time as mentors.

Administrator Internship Programs: Candidates in preparation programs for principal, program administrator, or superintendent certificates are required to complete internships. While some school districts provide release time during the school day to their employees who are completing internships, many districts do not. To better ensure a worthwhile internship, the Association of Washington School Principals has recommended state funding be provided to pay for substitutes so that release time may be provided for principal candidate internships.

Paraprofessional Training Program: Beginning in 1989, the state has funded a paraprofessional training program in the Appropriations Act. Paraprofessionals are classified aides who assist teachers. The training is provided through educational service districts, and includes both the paraprofessional and the teacher with whom the paraprofessional works. In an effort to make the program more permanent, it has been suggested that the program be codified in statute.

**CENTER FOR THE IMPROVEMENT OF STUDENT LEARNING**

Considerable research has been conducted during the last several decades on effective teaching and parent involvement strategies. Access to this information, however, is often difficult. Educators, parents, and others have suggested greater efforts be made to make the information available, and additional staff development opportunities be provided based on the results of this research.

**SCHOOL-TO-WORK TRANSITIONS**

The 1992 Legislature established the Academic and Vocational Development Grant Program. The purpose of the program is to fund projects in which academic and vocational subjects are integrated into a single instructional system. The intent is to make school more relevant and practical, and increase the ability of students to make the transition successfully into their future careers.

A total of \$98,000 was appropriated for the 1991-93 Biennium for the program. Because of the large demand for the funds and the importance of better preparing students, especially those who are not planning to go to college, it has been recommended that the program be expanded.

TECHNOLOGY

Research and practice have shown the expanded use of computers, telecommunications, video, networks, and other forms of technology has the potential of significantly improving student learning in schools and in meeting school district administrative needs.

However, applying technology in schools is often complex and expensive, and technical assistance is often needed. In the early 1980s, the Legislature initiated regional technology centers in educational service districts to provide technical assistance to school districts. Funding for these centers was eliminated in 1991.

EDUCATOR PERFORMANCE ASSESSMENT

In 1987, the Washington State Legislature created a requirement that teacher certification candidates pass an examination before receiving an initial teaching certificate. The requirement is to take effect on August 31, 1993.

The examination is to test knowledge and competence in subjects including, but not limited to, instructional skills, classroom management, and student behavior and development. The exam is to consist primarily of essay questions.

No funds were appropriated for developing and administering the exam. As a result, the State Board of Education requested proposals from testing companies to develop and administer the test, with the contractor being paid from fees paid by individuals taking the exam. Prior to awarding the contract, however, the Attorney General's Office concluded that the state board did not have the legislative authority to charge applicants for taking the test.

READINESS TO LEARN

Educators, social service providers, and members of the Governor's Council on Education Reform and Funding have recommended that additional efforts be made by schools and human service providers to coordinate social services for children. This greater coordination, it is argued, will result in more efficient delivery of services.

The Family Policy Council includes the directors of state-level education and human service agencies, legislators, and a governor's representative. The primary purpose of the council is to improve the responsiveness of programs for at risk children and families by increasing coordination and flexibility in the use of program funds.

DEREGULATION, ACCOUNTABILITY, FUNDING, AND LEGISLATIVE OVERSIGHT

Deregulation: School board members and school personnel often complain that the state has too many laws and rules that unnecessarily regulate their actions. These laws and rules should be modified or repealed, they argue, to allow educators the freedom to provide instructional programs that meet the unique needs of their students.

Funding System: The current funding system for K-12 education has many critics. Some think it does not provide enough flexibility for local school districts, while others do not believe it provides adequate incentives for improving

student achievement. Others think it does not allocate adequate funds to school districts that have the greatest need.

Choice Transfer Fees: The 1990 Legislature adopted legislation that allows a student to attend school in another school district. However, the legislation allowed the school district to charge the nonresident student a transfer fee. In October 1992, 31 districts charged annual transfer fees that ranged from \$150 to \$1,540. Proponents of educational "Choice" think that these fees are too high, and that they unnecessarily discourage students from transferring to other districts.

Legislative Oversight: Parents, legislators, and others have expressed concern that there needs to be additional legislative oversight of the Commission on Student Learning and other restructuring efforts.

PRIVATE SCHOOL AND HOME-SCHOOLED STUDENTS

Many parents of private and home-schooled students have requested their children not be required to participate in the assessment system to be created by the Commission on Student Learning.

Summary: STUDENT LEARNING GOALS

The goals of the "Basic Education Act" are modified. The primary goal for the schools of the state is to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to their families and communities, and to enjoy productive and satisfying lives. The goals of school districts are to provide opportunities for students to develop the knowledge and skills essential to:

- Goal 1** - read with comprehension, write with skill, and communicate effectively and responsibly in a variety of ways and settings;
- Goal 2** - know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history; geography; arts; and health and fitness;
- Goal 3** - think analytically, logically and creatively, and integrate experience and knowledge to form reasoned judgments and solve problems; and
- Goal 4** - understand the importance of work, and how effort, performance, and decisions directly affect future career and educational opportunities.

COMMISSION ON STUDENT LEARNING

The definitions, membership, and duties of the Commission on Student Learning are modified.

Definitions: Definitions of essential academic learning requirements, standards, performance-based education system, and other terms are provided.

The term "performance-based education system" is defined as an education system in which a significantly greater emphasis is placed on how well students are learning, and significantly less emphasis is placed on state-level laws and rules that dictate how instruction is to be provided. According to the definition, the "performance-based education system" created in the act does not require schools to use an outcome-based instructional model. De-

decisions regarding how instruction is provided are to be made, to the greatest extent possible, by school and school district personnel, not by the state.

Membership: The size of the commission's membership is increased from nine to 11. The governor will appoint the two additional members and appoint the chair.

Duties – Essential Academic Learning Requirements and Assessments: The timelines for establishing the "essential academic learning requirements" (EALRs) and for implementing the assessments are modified. EALRs for Goal 1 and the math component of Goal 2 are to be completed by March 1, 1995, with the assessments for these EARLs to be initially implemented no later than the 1996-97 school year.

EARLs for the remainder of Goal 2 and Goals 3 and 4 are to be completed by March 1, 1996, with the assessments for these EARLs to be initially implemented no later than the 1997-98 school year.

Assessments must be given in the elementary, middle, and high school grades. Prior to the 2000-2001 school year, participation in the student assessment and school accountability systems is optional. Beginning in the 2000-2001 school year, all public schools must participate.

Duties – Certificate of Mastery: After the State Board of Education has determined that the high school assessment is sufficiently reliable and valid, successful completion of the high school assessment will lead to a "Certificate of Mastery," which will be required for graduation. The certificate must be obtained by most students at about the age of 16.

After obtaining certificates, students will pursue career and educational objectives through educational pathways that emphasize integration of academic and vocational education.

A requirement is removed that would have required elementary students to pass an assessment before progressing.

Duties – School Accountability, Assistance, Intervention, and Incentives: The commission's duties regarding accountability are made more specific, and include:

- (1) requiring school-site, school district, and state-level accountability reporting systems;
- (2) creating a school assistance program to help schools and districts having difficulty helping students learn the essential learning requirements;
- (3) creating a system to intervene in schools or districts in which significant numbers of students persistently fail to learn the essential academic learning requirements; and
- (4) creating an awards program to provide incentives to school staff to help their students learn the essential academic learning requirements. These building-based performance awards will be based on the rate of improvement of student performance in individual schools.

Duties – Duties Transferred: Responsibility for administering certain educator assistance programs, including the Quality Schools Center, is transferred to the Center for the Improvement of Student Learning located in the Office of the Superintendent of Public Instruction (OSPI).

Responsibility for making recommendations regarding the repeal or modification of state education laws is transferred to a Legislative Joint Select Committee on Education Restructuring.

#### STUDENT LEARNING IMPROVEMENT GRANTS

The OSPI is directed to provide student learning improvement grants to schools for the 1994-95, 1995-96, and 1996-97 school years. The purpose of the grants is to provide funds for additional time and resources for staff development and planning intended to improve student learning consistent with the student learning goals.

To the extent funds are appropriated, and for allocation purposes only, the amount of grants for the 1994-95 school year will be the equivalent of the salaries for three to five days times the number of full-time equivalent certificated staff, classified instructional aides, and classified secretaries who work in the school at the time of application. For the 1995-96 and 1996-97 school years, the equivalent of five days annually must be provided. The allocation per full-time equivalent staff shall be determined in the budget.

To be eligible for student learning improvement grants, school district boards of directors are required to:

- (1) adopt a policy regarding the sharing of instructional decisions with school staff, parents, and community members; and
- (2) submit school-based applications that have been developed by school building personnel, parents, and community members. Each application shall list the activities to be performed, identify technical resources, include a proposed budget, and show that the application was approved by the school principal and representatives of teachers, parents, and the community.

Procedures for school board approval of the applications are provided. If the above requirements are met, OSPI is directed to approve the grant application.

#### EDUCATOR TRAINING AND ASSISTANCE PROGRAMS

Teacher Assistance Program: It is made more explicit that mentors may be provided in the Teacher Assistance Program for experienced teachers who are having difficulty.

Mentorship Pilot Program: A pilot program is created to support the pairing of full-time mentor teachers with beginning teachers and experienced teachers who are having difficulties. OSPI is to submit a report to the Legislature by December 31, 1995, with findings about the pilot program.

Principal and Superintendent/Program Administrator Internship Programs: Principal and superintendent/program administrator internship support programs are created. The programs will provide funds to school districts to hire substitutes for district employees who are in principal,

superintendent or program administrator preparation programs so the employees can complete their internships.

**Paraprofessional Training Program:** The Paraprofessional Training Program conducted through educational service districts is established in statute.

**CENTER FOR THE IMPROVEMENT OF STUDENT LEARNING**

The Center for the Improvement of Student Learning is created in OSPI. The primary purpose of the center is to provide assistance and advice to parents, educators, and the public regarding strategies for assisting students to learn the essential academic learning requirements. The center is to work in conjunction with the Commission on Student Learning, educational service districts, and institutions of higher education.

The center will serve as a clearinghouse for school improvement programs and provide technical assistance to educators. The center also will contract out for the development of parental involvement materials and for other actions to increase public awareness of the importance of parental involvement in education.

**SCHOOL-TO-WORK TRANSITIONS**

The importance of the School-to-Work Transitions Program created in ESHB 1820 (1993) is recognized. The purpose of the grant program is to fund and coordinate projects to develop model secondary school programs that combine academic and vocational education into a single instructional system that provides multiple educational pathway options for all secondary students.

**TECHNOLOGY**

OSPI is directed to develop and implement a Washington State K-12 Education Technology Plan. The plan is to coordinate and expand the use of education technology in the common schools of the state. The plan, at a minimum, is to address technical assistance, the continued development of a network, and methods to equitably increase the use of education technology by students and school personnel throughout the state.

In conjunction with the plan, OSPI is directed to submit recommendations to the Legislature by December 15, 1993, regarding the development of a grant program for school districts for the purchase and installation of computers, computer software, telephones, and other types of education technology.

Educational service districts are to establish regional educational technology support centers to provide technical assistance to school districts.

**EDUCATOR PERFORMANCE ASSESSMENT**

The current examination requirement for new teachers, which was to be implemented in August 1993, is postponed until May 1996. However, if funding for development of the examination is not provided, the examination will not be required. The subject matter to be included in the examination is broadened, and the State Board of Education and OSPI are given the authority to charge appli-

cants for the examination and to hire a contractor to develop and administer the exam.

**READINESS TO LEARN**

To the extent funds are appropriated, the Family Policy Council is directed to award grants to community-based consortiums that submit comprehensive plans that include strategies to assist students in being ready to learn.

**LEGISLATIVE OVERSIGHT, DEREGULATION AND TRANSFER FEES**

**Legislative Oversight Committee:** A 12-member Legislative Joint Select Committee on Education Restructuring is created. The select committee is directed to monitor, review, and periodically report upon the enactment and implementation of education restructuring in Washington.

In addition, the committee is directed to review all laws pertaining to K-12 public education and submit proposed legislation that repeals or modifies those laws that inhibit the new system of performance-based education. It also is to analyze several student data collection issues.

**Fiscal Study:** A 12-member Legislative Fiscal Study Committee is created. The committee is to study the common school funding system, and by January 16, 1995, report to the Legislature with recommendations for a new funding model for the common school system.

**School Reports:** Beginning in the 1994-95 school year, each school is directed to annually publish a school performance report. The type of data to be included in the report is specified. OSPI is directed to develop a model report form schools may use for the reports.

**Choice Transfer Fees:** Beginning with the 1993-94 school year, school districts are prohibited from charging transfer fees or tuition for students living outside the district who are enrolled under the state's "Educational Choice" Program.

**PRIVATE SCHOOL AND HOME SCHOOL STUDENT EXEMPTIONS**

Current requirements for private schools and for home-schooling are amended to prohibit the State Board of Education from requiring a Certificate of Mastery for graduation. The board also may not require private school or home-schooled students to meet the student learning goals, to master the essential learning requirements, or to take the assessments that will be developed by the Commission on Student Learning.

**Votes on Final Passage:**

House	85	12	
Senate	27	21	(Senate amended)
House			(House refused to concur)

**Conference Committee**

Senate	26	18
House	81	17

**Effective:** July 25, 1993

**SHB 1211**

C 298 L 93

Granting additional powers to boards of directors of educational service districts.

By House Committee on Education (originally sponsored by Representatives Ogden, Brumsickle, Franklin, Jacobsen, Carlson, Springer, Orr, Leonard, H. Myers and Basich).

House Committee on Education  
Senate Committee on Education

**Background:** School districts and educational service districts (ESDs) have only those powers expressly authorized by law or necessarily or fairly implied in the powers expressly authorized by law.

During the 1992 session, the Legislature gave school districts broad discretionary power to adopt written policies that provide for the development and implementation of programs, activities, services, or practices the school board determines will promote the education of students or the efficient or safe management and operation of the school district.

No similar power was given to ESDs.

**Summary:** An ESD may provide cooperative and informational services concerning the development and implementation of programs, activities, services, or practices supporting the education of students or the effective and safe management and operation of school districts.

Before an ESD provides such services, one or more school districts served by the ESD must have requested the services in writing.

By January 10, 1994, the Washington State Institute for Public Policy must submit a report to the Legislature. The report is to include recommendations for the design of a comprehensive study of the role and performance of educational service districts.

**Votes on Final Passage:**

House 96 0  
Senate 45 1 (Senate amended)  
House 95 0 (House concurred)

**Effective:** July 25, 1993

**HB 1212**

C 163 L 93

Changing the approval authority for state allocations for youth shows and fairs.

By Representatives Dorn, Brumsickle, Hansen, Chappell, Lisk, Grant, Riley, Rayburn, Rust and Kremen.

House Committee on Education  
Senate Committee on Agriculture

**Background:** Agricultural fairs serve to train youth and promote the welfare of farm people and rural living. The responsibility for approving the largest of the categories of agricultural fairs, "youth shows and fairs," was originally delegated to Washington State University and/or the Washington State Board for Vocational Education, later changed to Washington Work Force Training and Education Coordinating Board. Officials from the Department of Agriculture think that approval of these fairs is beyond the board's normal scope of responsibilities, but within the scope of activities performed by the Office of the Superintendent of Public Instruction.

**Summary:** The responsibility for approving youth shows and fairs is transferred from the Washington Work Force Training and Education Coordinating Board to the Office of the Superintendent of Public Instruction. Washington State University retains its authority to also approve the fairs.

**Votes on Final Passage:**

House 97 0  
Senate 46 0

**Effective:** July 25, 1993

**SHB 1214**

C 448 L 93

Modifying the definition of a reasonable fee for certain health care practices.

By House Committee on Health Care (originally sponsored by Representative Appelwick).

House Committee on Health Care  
Senate Committee on Health & Human Services

**Background:** The Uniform Health Care Information Act defines the rights and responsibilities of patients, health care providers and third parties with regard to disclosure of patient health records. A patient's health information contained in the provider's record is confidential and may not be disclosed without the patient's authorization except under specified conditions. However, the patient is entitled to inspect and have a copy of the health record, and can authorize others to receive it.

A health provider may disclose directory information except where the patient objects. Directory information includes the presence and general health condition of the patient.

A health care provider may charge a reasonable fee for copying a patient's health record, not to exceed actual costs, but not higher than the fee that clerks of the superior court charge for copying, that is \$2 for the first page and \$1 for each additional page. In addition, where the certification of a record is requested, there is an additional fee of \$2. Where editing of a record by a health provider is required by statute and is done by the provider personally,



the fee may be the usual and customary charge for a basic office visit.

There is no definition of third-party health care payor provided in this chapter of the law. Hospitals are not authorized to release patient information in cases of public record.

Patients may authorize the disclosure of their health records but the authorization is limited to a period of 90 days. The Uniform Health Information Act does not govern access to patient health information under the mental health treatment law.

**Summary:** Directory information includes, for the purpose of identification, the name, residence, and sex of the patient.

The reasonable fee a health provider may charge for searching and duplicating health information contained in a patient's record cannot exceed 65 cents per page for the first 30 pages and 50 cents per page thereafter. A health care provider may charge an additional \$15 clerical fee. The fees are to be adjusted biennially for inflation according to the Consumer Price Index.

A third-party payor is defined to include insurers, health care service contractors, health maintenance organizations, and employee welfare benefit plans.

Hospitals or health care providers may release information in cases reported specifically by fire, police, sheriff or other public authority. Information which may be released includes the name, residence, sex, age, occupation, condition, diagnosis or extent and location of injuries of the patient, and whether the patient was conscious when admitted.

The 90-day disclosure period of a health record in accordance with a patient's authorization may be extended in two circumstances: (1) when pursuant to an agreement with an alcohol/drug treatment program for monitoring the treatment of an addicted provider; or (2) pursuant to an agreement with a professional disciplinary authority.

A deceased mental health patient's representative may have access to mental health records in the same manner as health records under the Uniform Health Information Act. The Department of Health may have access to mental health records for the purpose of determining compliance with state or federal licensure laws, consistent with the Uniform Health Information Act. The Uniform Health Information Act governs the state's mental health law unless there is an express conflict.

**Votes on Final Passage:**

House	89	4	
Senate	46	0	(Senate amended)
House	97	1	(House concurred)

**Effective:** July 1, 1993

**HB 1216**

C 25 L 93

Regulating acceptance and disbursement of funds and grants by the liquor control board.

By Representatives Veloria, Heavey, Horn and King; by request of Liquor Control Board.

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

**Background:** The Liquor Control Board has no statutory authority to accept federal funds or donations from other sources. Non-state funds may be available for the board to conduct programs to improve public awareness of the health risks associated with alcohol abuse.

**Summary:** The board shall accept and disburse, subject to appropriation, federal grants or other funds or donations from any source for the purpose of improving public awareness of the health risks associated with the misuse of alcohol. The board is directed to cooperate with federal and state agencies, interested organizations, and individuals to provide an active alcohol awareness program.

**Votes on Final Passage:**

House	96	0
Senate	47	1

**Effective:** July 25, 1993

**HB 1217**

C 26 L 93

Allowing seized liquor to be used for training and investigations.

By Representatives Springer, Heavey, Chandler, King and Shin; by request of Liquor Control Board.

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

**Background:** When liquor is seized pursuant to a warrant by a local law enforcement agency or the Washington State Patrol, the entity must report the seizure to the Liquor Control Board and deliver the liquor to the board. Law enforcement agencies must store the liquor until a board enforcement officer is available to receive it.

The board has been asked by law enforcement agencies to aid them by providing alcoholic beverages for breathalyzer training programs. However, the board has not done so because it has no statutory authority to provide liquor to law enforcement agencies.

**Summary:** Law enforcement agencies are required to dispose of liquor seized pursuant to a search warrant or an arrest.

The board may provide liquor at no charge, including seized or forfeited liquor, to recognized law enforcement agencies for training or investigation purposes.

## HB 1218

### Votes on Final Passage:

House 97 0  
Senate 45 1

Effective: July 25, 1993

## HB 1218

C 449 L 93

Changing requirements for claims against local governmental agencies.

By Representatives Ludwig, Edmondson, Mastin, Reams, Scott, Bray, Riley, R. Fisher, Grant, Rayburn, Dellwo, Van Luven, Chandler, Zellinsky, Appelwick, Roland, Fuhrman, Kremen and Johanson.

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** The laws relating to lawsuits against local governments vary somewhat and, to some extent, are codified in different parts of the statutes.

At one time the statutes for various local governments included a requirement that, in addition to the normal statute of limitations to bring an action, a special claim had to be filed with the local government within 120 days of when the damages were suffered. A lawsuit by a damaged person against a local government would be dismissed if either the special notice of a claim was not filed within 120 days of when the damages occurred or the actual lawsuit was not filed within the normal statute of limitations. The state supreme court held these special claim filing statutes unconstitutional. Several of the special claim filing statutes have been amended to require the claim be filed within the normal statute of limitations period. However, several of these statutes have not been amended to make this change.

Separate statutes for different local governments require the local governments to defend actions brought against their officers and employees for damages arising out of acts or omissions while performing their duties and to pay any damages arising from such lawsuits.

**Summary:** The statutes relating to lawsuits for damages against local governments are altered and repealed to establish a single, uniform procedure.

Volunteers of a local government are treated like officers or employees of a local government for purposes of the local government defending their actions and paying damages arising from their actions.

When requested, a local government shall defend an officer, employee, or volunteer if it is determined by the legislative body, or by using a procedure created by ordinance, that the actions of the officer, employee, or volunteer were, or in good faith were purported to be, within the scope of his or her duties. Monetary damages awarded against the officer, employee, or volunteer shall be paid by the local government if approved by the legislative body, or if approved by a procedure created by ordinance. A

judgement creditor shall seek satisfaction against the local government for non-punitive damages awarded in such a lawsuit if the court finds that the officer, employee, or volunteer was acting within the scope of his or her duties and any judgement for non-punitive damages shall not become a lien upon any property of the officer, employee, or volunteer. The legislative authority may, pursuant to a procedure created by ordinance, agree to pay an award for punitive damages.

No bond is required of any local government for bringing a lawsuit in a state court or local court.

Various claim statutes are amended to require the claim to be filed within the applicable statute of limitations for commencing a lawsuit. An action for damages against a local government may not be commenced until 60 days have elapsed after the claim was first presented to the local government and the applicable statute of limitations is extended during this 60 day period.

### Votes on Final Passage:

House 97 0  
Senate 45 0

Effective: July 25, 1993

## SHB 1219

C 404 L 93

Creating the public works administration account.

By House Committee on Appropriations (originally sponsored by Representatives Orr, Locke, Heavey, Basich, Jones, Dellwo, Dunshee, Bray, Wang, Jacobsen, R. Meyers, Springer, Voloria, G. Cole, King, Johanson and Franklin).

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

**Background:** The state prevailing wage law requires prevailing wages to be paid to employees on public works construction projects. All public works contracts must contain a provision requiring the payment of prevailing wages. Before an agency may disburse any payment on a public works contract, the contractor and subcontractors are required to submit a "statement of intent to pay prevailing wages." When the agency finally accepts the project, an "affidavit of wages paid" must be submitted before the agency may release the final payments.

An agency that willfully fails to require the contractor to submit statements of intent and affidavits to confirm the wages paid is liable for any wages due to the project's employees under the prevailing wage law.

The Department of Labor and Industries is authorized to set fees for performing activities required under the prevailing wage law, such as approving statements of intent and affidavits. The fees must be set at a level that generates revenue "as near as practicable" to the amount of the ap-

proprietion made to carry out these activities. The fees are deposited in the state general fund.

**Summary:** The requirement for imposing agency liability under the prevailing wage law is changed. An agency is liable for the workers' wages if the agency knowingly fails to require the contractor to submit statements confirming that prevailing wages have been paid, rather than if the agency willfully fails to comply with these requirements.

The prevailing wage fees set by the Department of Labor and Industries are for administering the prevailing wage chapter, including the performance of adequate wage surveys, and for investigating violations, including incorrect statements of intent to pay prevailing wages and affidavits of wages paid, and wage claim violations. The fees may not exceed \$25 for approval of statements of intent to pay prevailing wages and affidavits of wages paid. All fees are deposited in the public works administration account. Each quarter, 30 percent of the amount in the fund will be transferred to the state general fund. Appropriations from the account, other than the money transferred, may be used only for administration of the prevailing wage chapter, including the performance of adequate wage surveys, and for investigation of alleged violations, including incorrect statements and affidavits, and wage claim violations.

**Votes on Final Passage:**

House	63	35	
Senate	29	17	(Senate amended)
House	60	35	(House concurred)

**Effective:** July 1, 1993

**HB 1225**  
C 190 L 93

Concerning the collection of allowable fees in connection with delinquent debts, repossessions, and foreclosures.

By Representatives Zellinsky, Dellwo, Anderson and Mielke.

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

**Background:** In 1991, the Legislature combined the Consumer Finance Act and the Industrial Loan Act into a new Consumer Loan Act; thus, eliminating the need for two separate licenses to engage in the lending activities authorized under each of the prior statutes. The new Consumer Loan Act does not permit loan companies to charge and collect reasonable attorney fees and actual expenses incurred in connection with the collection of a delinquent debt.

**Summary:** A consumer loan company may collect from the debtor reasonable attorney fees, actual expenses, and costs incurred in connection with the collection of a delinquent debt, a repossession, or a foreclosure when a debt is

referred for collection to an attorney who is not a salaried employee of the company.

**Votes on Final Passage:**

House	96	1	
Senate	48	0	

**Effective:** July 25, 1993

**SHB 1226**  
C 405 L 93

Concerning amounts of credit life insurance and credit disability insurance that consumer loan companies may make in connection with open-end loans.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Zellinsky, Dellwo, Anderson and Mielke).

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

**Background:** Consumer loan companies are authorized by statute to sell credit life and disability insurance in connection with the provision of open-end credit agreements. However, the statute requires such insurance to be issued in no less than the amount necessary to pay the total balance of the loan due on the date of the borrower's death or in the case of disability, in no less than the amount necessary to make loan payments during the borrower's disability.

**Summary:** Consumer loan companies are authorized to sell credit life and disability insurance in connection with the provision of open-end credit agreements in amounts less than necessary to completely satisfy a borrower's indebtedness on the date of death and in amounts less than necessary to meet minimum loan payments for the duration of the borrower's disability.

**Votes on Final Passage:**

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

**Effective:** July 25, 1993

**HB 1227**  
C 166 L 93

Changing misbranding and adulteration provisions for meat and poultry products.

By Representatives R. Johnson, Chandler and Rayburn.

House Committee on Agriculture & Rural Development  
Senate Committee on Agriculture

**Background:** The state's Meat Inspection Act regulates the preparation, transportation, labeling, and sale of meat products. It provides for inspections of establishments in

## EHB 1228

which meat products are prepared for sale and prohibits the sale of misbranded or adulterated products. The inspection provisions do not apply to operations traditionally conducted by retail meat dealers.

The preparation and sale of poultry products are regulated under the state's Wholesome Poultry Products Act. The director of the Department of Agriculture is required to exempt certain entities and operations from specific requirements of the act, including a retail dealer regarding poultry products which are sold directly to consumers at a retail store. These exemptions may apply to the adulteration and misbranding requirements of the act.

**Summary:** The adulteration and misbranding provisions of the state's Meat Inspection Act apply to operations of retail meat dealers which are exempted from inspection under the act.

Any exemption from the provisions of the Wholesome Poultry Products Act provided to retail dealers regarding the sale of poultry products to consumers does not include an exemption from the provisions of the act prohibiting the adulteration or misbranding of products.

**Votes on Final Passage:**

House 97 0  
Senate 45 0

**Effective:** July 25, 1993

## EHB 1228

C 374 L 93

Allowing information exchange of all agencies, including schools, with youth in their care.

By Representatives Jones, Miller, Riley, Vance, Kessler, Basich, Karahalios and Leonard.

House Committee on Human Services  
Senate Committee on Law & Justice

**Background:** Washington law requires each "juvenile justice or care agency" to maintain accurate records on juveniles and govern the extent to which such records may be disclosed or shared with other juvenile justice or care agencies. The definition of a "juvenile justice or care agency" includes police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the Department of Social and Health Services and its contracting agencies, and persons or public or private agencies having children committed to their custody. The definition does not include schools.

**Summary:** The definition of a juvenile justice or care agency is modified to include schools.

**Votes on Final Passage:**

House 95 0  
Senate 44 0

**Effective:** July 25, 1993

## ESHB 1233

C 242 L 93

Regulating the mandatory offering of personal injury protection insurance.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives R. Meyers, Zellinsky, Dellwo, R. Johnson, Scott, Riley, Kessler, Dunshee, Dorn, Foreman, Grant, Kremen and Johanson).

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

**Background:** Most automobile insurance companies offer medical coverage, also referred to as personal injury protection (PIP) coverage, as part of a comprehensive auto insurance policy. PIP coverage includes disability, wage loss, and death benefit coverage. The Insurance Commissioner has adopted rules setting basic standards for the amount of coverage to be offered by insurers who market PIP coverage.

**Summary:** Automobile liability insurance companies must provide PIP coverage under nonbusiness auto insurance policies unless the named insured rejects PIP coverage in writing. Insurers need not provide PIP coverage for motor homes or motorcycles, for intentional injuries, for injuries arising from war, from toxic waste exposure or from accidents while the insured is occupying an owned but uninsured auto, or from accidents to the insured's relative while occupying an auto owned by the relative.

Coverage must extend to reasonable and necessary medical and hospital expenses up to \$10,000, incurred within three years from the date of the insured's injury. Funeral expenses must be covered up to \$2,000. Loss of income benefits must be provided up to \$10,000, subject to certain limits. Loss of services benefits must be provided up to \$40 per day, not exceeding a total of \$5,000. Insurers must offer higher limits for all such benefits as provided.

**Votes on Final Passage:**

House 95 0  
Senate 35 10 (Senate amended)  
House 97 0 (House concurred)

**Effective:** July 25, 1993

July 1, 1994 (Sections 1 - 5)

## ESHB 1236

C 495 L 93

Establishing fees for certain water rights.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Rust, Pruitt and Sheldon; by request of Department of Ecology).

House Committee on Natural Resources & Parks  
 House Committee on Revenue  
 Senate Committee on Ways & Means

**Background:** Under the State Water Code, a person must have a water right for any use of surface water and for larger withdrawals of groundwater. A water right is a legal right to use a specified amount of water for a beneficial purpose. The Water Rights Program in Washington is managed by the Department of Ecology. The process of acquiring a water right involves a number of steps and the payment of several fees. These fees are established in statute.

The number of new water rights applications has increased over the last several years, from 800 new applications in 1985 to 1,835 applications in 1992. The average waiting period associated with processing an application has also increased, from one and one half years in 1985 to two and one half years in 1992. The department also reports an increase in application protests and appeals.

In the current biennium, the state will spend approximately \$7.3 million on water rights processing. Currently the fees generate \$100,000 per biennium, less than 2 percent of the costs of the program.

A number of parties have expressed interest in encouraging greater water use efficiency and conservation. Trickle or drip irrigation is an irrigation technique which may result in greater water use efficiency. Allowing transfers or sales of saved water may provide an incentive for investing in trickle irrigation systems.

**Summary:** The Legislature finds that a water right confers significant economic benefits to the water right holder and that water rights applicants should contribute more to the cost of administration of the Water Rights Program. The Legislature also finds that water rights applicants have a right to know that the Water Rights Program is being administered efficiently and that the fees charged for various services relate to the cost of those services.

The Legislature creates a water rights fees task force and provides for the appointment of task force members. The task force is directed to conduct a comprehensive review of water rights fees. A number of specific tasks are to be included in this review. Before December 1, 1993, the task force is to (1) provide recommendations to the Department of Ecology on ways to improve the efficiency and accountability of the Water Rights Program; (2) provide recommendations to the Legislature on statutory changes necessary to make these efficiency and accountability improvements; and (3) propose a new water rights fee schedule which incorporates the task force's work and which funds through fees 50 percent of the cost of the activities and services provided by the Water Rights Program.

For the period July 1, 1993, through June 30, 1994, a \$100 surcharge is imposed on new and pending water rights applications.

The Legislature directs the House committees on Agriculture and Natural Resources and Parks and the Senate committees on Energy and Utilities and Agriculture to study the feasibility of a water transfer program for water saved through installation of trickle irrigation systems. The committees are to report their findings and recommendations to the Legislature by December 1, 1993.

**Votes on Final Passage:**

House	96	1	
Senate	38	4	(Senate amended)
House			(House refused to concur)

**Conference Committee**

Senate	20	25	(Failed)
Senate	25	22	
House	56	42	

**Effective:** July 25, 1993

**EHB 1238**

C 27 L 93

Requiring notice be given to various parties before release from confinement of a juvenile who has committed stalking.

By Representatives R. Johnson, Ballasiotes, Ludwig, King, Karahalios, Johanson, Jones, Sheahan, Schoesler, Brumsickle, Roland, Long, Flemming, Horn, Mielke, Tate, Wood, Kremen, Foreman and Pruitt; by request of Department of Social and Health Services.

House Committee on Corrections  
 Senate Committee on Law & Justice

**Background:** When a juvenile offender who committed a sex offense or a violent offense is discharged, placed on parole, granted authorized leave or release, or transferred to a community residential facility, written notice of the actions by the secretary of the Department of Social and Health Services is required. At least 10 days in advance of the departure from the institution, written notice must be sent to the chief of police of the city or the sheriff of the county where the offender will reside. The department must also notify the following individuals if a written request for such notice is made by: the victim of the offender or the next of kin in circumstances where the crime is a homicide, any adverse witness involved in the court proceedings, or any person specified in writing by the prosecutor.

If an offender escapes from the institution, the secretary of the Department of Social and Health Services must immediately notify, in the most reasonable and expedient means available, the chief of police or the sheriff in the city or county where the juvenile resided immediately prior to the juvenile's arrest. If previously requested, the secretary shall also notify the victim, witnesses or in the case of a homicide, the victim's next of kin. In the event of recapture, the individuals previously notified must be notified

## HB 1244

by the secretary as soon as possible, but no later than two working days after the recapture occurred.

The secretary may authorize leave for juveniles found to have committed violent or sex offenses, which may not exceed 48 hours plus travel time, for emergency reasons involving death or critical illness of a family member. When the juvenile is ill and cannot be accommodated in the juvenile facility, the secretary may authorize leave as long as it is medically necessary. Prior to the emergency or medical leave, the secretary must give notice to the appropriate law enforcement agency in the jurisdiction in which the juvenile will reside. If previously requested, the victim, witnesses and, in the event of a homicide, the next of kin shall be notified.

Violent and sex offenses are defined as applicable to these requirements for notification.

**Summary:** The crime of stalking is added to the list of crimes requiring notice by the secretary of the Department of Social and Health Services, when an offender departs from a juvenile facility. All notification requirements for violent and sex offenders apply to juveniles committed to the Division of Juvenile Rehabilitation for the offense of stalking. The crime of stalking is added to the definitions of crimes requiring notification of departure for discharge, parole, authorized leave or release, or transfer to a community residential facility from a juvenile facility.

**Votes on Final Passage:**

House 95 0  
Senate 39 0

**Effective:** July 25, 1993

## HB 1244

C 375 L 93

Providing for payments for time lost from work while attending a medical examination for industrial insurance.

Representatives Franklin, Heavey, King, G. Cole, Springer, Jones and Veloria.

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

**Background:** An injured worker making a claim under the industrial insurance system must submit to a medical examination when the examination is requested by the Department of Labor and Industries or the worker's self-insured employer. If the worker misses work without pay while attending the examination, the worker receives temporary disability compensation. This compensation is determined as a percentage of the worker's wages, with the percentage ranging from 60 percent to 75 percent depending on the worker's marital status and number of children.

**Summary:** The compensation for an injured worker who is absent from work without pay while attending a medical

examination requested by the Department of Labor and Industries or the worker's self-insured employer is changed from temporary disability compensation to compensation that is equal to the worker's usual wages.

This change applies prospectively to all injured worker claims, regardless of the date of injury.

**Votes on Final Passage:**

House 94 4  
Senate 43 0

**Effective:** July 25, 1993

## HB 1246

C 299 L 93

Revising provisions for maintaining employee benefits for temporarily disabled workers.

By Representatives G. Cole, Heavey, King, Franklin, Jones, Veloria and Johanson.

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

**Background:** The Industrial Insurance Act allows an employer to provide a light or modified job to an injured worker while the worker is recovering from his or her injury. The light duty job must be approved by the worker's physician. If the worker returns to a light duty job paying less than 95 percent of the worker's wages at injury, the worker is entitled to partial benefits that are paid in proportion to the worker's loss of earning power. The statute does not address the worker's right to fringe benefits while in the light duty position.

**Summary:** If an injured worker is returned to work at light or modified duty during the period in which the worker is unable to return to his or her regular job, the employer must continue or resume the health and welfare benefits to which the worker was entitled at the time of injury. However, the benefits will not be continued or resumed if that would be inconsistent with the terms of the benefit program or an applicable collection bargaining agreement.

The procedures for requesting light or modified duty are clarified. The request must be from the employer of injury and the work must be available with the employer of injury. The worker's temporary disability compensation must continue until the worker is released for work by the attending physician and begins work.

**Votes on Final Passage:**

House 70 28  
Senate 36 9 (Senate amended)  
House 69 28 (House concurred)

**Effective:** July 1, 1993



**ESHB 1248**

C 521 L 93

Regulating the increase of industrial insurance death and disability benefits.

By House Committee on Appropriations (originally sponsored by Representatives King, Heavey, Franklin, Orr, Jones, G. Cole, Veloria and Johanson).

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

**Background:** The amount of workers' compensation total disability or death benefits paid monthly to injured workers or beneficiaries is based on a percentage of the worker's wage at injury. The percentage varies from 60 percent to 70 percent depending on the marital status of the worker and the number of children. The maximum amount is limited to 100 percent of the state average monthly wage.

In 1972, the National Commission on State Workmen's Compensation Laws recommended that the maximum total disability benefit should be progressively increased, so that by 1981 the maximum weekly benefit in each state would be at least 200 percent of the state's average weekly wage. The commissioners also identified, as an essential recommendation, a proposal that states should have a maximum weekly benefit of 100 percent of the state average weekly wage by 1975.

**Summary:** The maximum amount payable monthly to an injured worker for total disability or to the worker's beneficiary for death benefits is increased from 100 percent of the state average monthly wage to the following percentage of the state average monthly wage:

<u>Percent</u>	<u>Effective date</u>
105	July 1, 1993
110	July 1, 1994
115	July 1, 1995
120	July 1, 1996

**Votes on Final Passage:**

House 60 38  
Senate 26 19 (Senate amended)  
House 56 41 (House concurred)

**Effective:** July 1, 1993

**ESHB 1249**

C 520 L 93

Increasing industrial insurance partial disability awards.

By House Committee on Appropriations (originally sponsored by Representatives Heavey, King, Franklin, Orr, G. Cole, Jones, Veloria, Johanson and R. Meyers).

House Committee on Commerce & Labor  
House Committee on Appropriations

Senate Committee on Labor & Commerce

**Background:** An injured worker with a permanent partial disability receives compensation for the disability according to a statutory schedule under the state's industrial insurance system. The schedule specifies the amount of the award for amputation of limbs and parts of limbs, as well as for loss of visual acuity and loss of hearing. Compensation amounts range from \$378 for amputation of the tip of a toe to \$54,000 for the amputation of an arm or leg.

The awards for unspecified amputations and hearing or vision losses are determined based on the relationship the disability bears to the disabilities specified in the award schedule. Other permanent partial disabilities that are not specified in the schedule are compensated by awards representing the proportion that the disability bears to total bodily impairment, for which the maximum compensation is \$90,000.

Under Washington Supreme Court decisions, awards payable to injured workers are controlled by the law in effect at the time of the injury.

**Summary:** All compensation amounts listed under the industrial insurance permanent partial disability schedule are increased by 32 percent beginning July 1, 1993. The maximum compensation for total bodily impairment is increased from \$90,000 to \$118,800. Beginning on July 1, 1994, and on each July 1 after that, these amounts are adjusted based on changes in the National Consumer Price Index. The amount of the award paid on a claim is governed by the schedule in effect on the date of injury.

**Votes on Final Passage:**

House 83 14  
Senate 32 13 (Senate amended)  
House 92 5 (House concurred)

**Effective:** May 18, 1993

**SHB 1253**

C 28 L 93

Modifying provisions regarding physician assistants.

By House Committee on Health Care (originally sponsored by Representatives Dellwo, Morris, Dyer and Wood; by request of Department of Health).

House Committee on Health Care  
Senate Committee on Health & Human Services

**Background:** Physician assistants are licensed to practice medicine or osteopathic medicine under the supervision and control of physicians or osteopathic physicians. A physician assistant must obtain a separate license for every physician who employs or supervises the practice, and many physician assistants must obtain a number of licenses annually.

In addition, the boards of Medical Examiners and Osteopathic Medicine must approve the employment and su-

## HB 1255

pervision of each physician assistant associated with a physician or osteopathic physician. The joint application is submitted by both the physician assistant and the supervising physician, detailing the manner and extent to which the physician assistant would practice and be supervised.

The license of a physician assistant must be renewed annually by the secretary of the Department of Health. There is no penalty fee authorized for a late renewal.

Statutes governing the practice of physician assistants and osteopathic physician assistants are dated and the language, though parallel, is not consistent.

**Summary:** A physician assistant is issued one license to practice, and is no longer required to obtain multiple licenses for each association with a physician or physician group which supervises or employs the assistant. However, the boards of Medical Examiner and Osteopathic Medicine still must approve the practice arrangement in a joint application from the physician assistant and the physician.

License renewal can be made on a periodic basis, not just annually, as determined by the secretary of the Department of Health. The secretary is authorized to levy a penalty fee for late renewal.

A number of technical changes are made clarifying the responsibilities of applicants, the department and the boards, and making the language of the two acts consistent.

### **Votes on Final Passage:**

House 97 0  
Senate 46 0

**Effective:** July 25, 1993

## HB 1255

C 29 L 93

Requiring podiatric physicians and surgeons to have one year of postgraduate podiatric medical training.

By Representatives Dellwo, Morris, Dyer, Flemming and Wood; by request of Department of Health.

House Committee on Health Care

Senate Committee on Health & Human Services

**Background:** The practice of podiatric medicine and surgery is regulated by the state and only licensed podiatric physicians and surgeons may practice unless otherwise authorized by law.

In order for an applicant to take an examination for licensure, the applicant must furnish proof that the applicant has not engaged in unprofessional conduct specified by law; is not unable to practice with reasonable skill and safety as a result of a physical or mental impairment; and has satisfactorily completed a course in an approved school of podiatric medicine.

Currently there is no requirement that the applicant complete a postgraduate podiatric program, nor can per-

sons enrolled in postgraduate podiatric programs practice podiatric medicine in connection with their training.

**Summary:** Applicants for licensure as podiatric physicians must complete one year of postgraduate podiatric medical training. However, applicants graduating before July 1, 1993, are exempted from this requirement.

The board of Podiatric Medicine and Surgery is authorized to issue licenses to persons enrolled in approved postgraduate podiatric training programs for practice solely in connection with the training program and subject to supervision by a podiatric physician, physician, or osteopathic physician.

### **Votes on Final Passage:**

House 98 0  
Senate 45 1

**Effective:** July 25, 1993

## SHB 1258

FULL VETO

Modifying water rights claims provision.

By House Committee on Agriculture & Rural Development (originally sponsored by Representative Rayburn).

House Committee on Agriculture & Rural Development

Senate Committee on Energy & Utilities

**Background:** In 1917, the state established a permit system for appropriating, or establishing rights to use, the surface waters of the state. The system is based on the "first in time is first in right" principle of the prior appropriation doctrine of western water law. Under this principle, a person's right to use water from a water source is inferior, or junior, to a previously established or senior right.

Prior to this permit system, rights to use surface water were established under a variety of circumstances and a variety of doctrines, some of which provided local notices and some of which did not. The 1917 Surface Water Code recognized the validity of these previously established rights, but declared the code's permit system to be the exclusive means by which any further rights to the use of surface waters could be established. A similar permit system was established in 1945 for appropriating the ground waters of the state.

In 1969, the Legislature required all persons who claimed rights to use water, under any authority other than a permit or certificate issued by the state, to file a statement of the claim with the state. The claims had to be filed by June 30, 1974. The penalty for failure to file the claim for such a right was relinquishment of the right.

The Legislature has provided exemptions to this filing requirement by reopening the filing period under limited circumstances. The 1985 reopening law required the claimant to petition the Pollution Control Hearings Board

and to demonstrate to the board that certain circumstances applied to the claim which should permit it to be filed. However, the Legislature also declared that this limited reopening of the claim period was not to affect or impair any right existing prior to the reopening of the filing period. In 1987, the Legislature permitted a person to file certain amendments to a previously filed statement of claim.

**Summary:** A person may file a statement of water right claim with the Department of Ecology if the statement is for a right to use water with a priority date which is prior to June 6, 1917 and if the statement is accompanied by notarized affidavits supporting the claimed right. The persons signing the affidavits must state that they personally witnessed a posting of a notice of intent to establish a water right at the point of diversion of the claimed right and have direct knowledge of the diversion of waters associated with the right to the places of beneficial use without interruption each year for the last 50 years.

The claim must be filed not later than August 31, 1993.

The provisions of law declaring a right to be extinguished, if a claim for the right was not filed by a specified deadline, do not apply to a claim for a right filed under this new authority. However, this act of reopening the filing period must not affect or impair any water right existing before the period was reopened, whether such a previously existing right was established under territorial, state, or federal law or is embodied in federal treaty rights or federally reserved rights. Further, a claim filed in this new filing period is subordinate to any water right derived from a permit or certificate issued under the state's Surface Water Code or Ground Water Code or embodied in a previously filed claim.

This reopening of the filing period does not impact or affect the authority of the state, an Indian tribe, or any other governmental entity to allocate or administer water rights on a federal reservation nor does it change the jurisdiction of any governmental entity.

**Votes on Final Passage:**

House	75	23
Senate	33	15

**VETO MESSAGE ON SHB 1258**

May 18, 1993

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1258 entitled:

"AN ACT Relating to claim of right to withdraw, divert, or use ground or surface waters:"

Under the Water Rights Claims Registration Act (Chapter 90.14 RCW), any person claiming a vested right to use water was required to file with the Department of Ecology a water right claim setting forth the particulars of the claim. A vested right to the use of surface water would have to have been initiated prior to the effective date of the 1917 Surface Water Code. Failure to

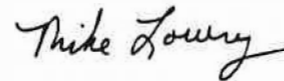
file a claim would result in forfeiture of any right that might have existed.

In response to this law, and after extensive notification by the Department of Ecology, the Department received 165,000 water right claims by June 30, 1974 when the registration period closed. Because many entities failed to file a claim, the Legislature subsequently reopened the claims registry for the filing of claims two more times, the last occurring in 1985.

Given these opportunities to file claims for pre-1917 water rights, there must be strong reasons to reopen the claims registry once again. A closing date for filing such claims exists for a reason since a periodic reopening of the registration claims act can lead to great uncertainty for holders of water rights. A rationale explaining why it is in the public's interest to reopen the registration claim is not provided by the bill. In addition, Subsection 2 of the bill requires an affidavit that a person attest to "having personally witnessed a posting of intent to establish a water right." A witness to a pre-1917 posting would have to be alive today and would have to remember such an event. This severe restriction suggests that very few could benefit from this legislation. This, in turn, raises the issue of equity since many who lost any right to pre-1917 water because of the failure to file a claim could not benefit from this bill. Given this lack of a strong rationale for reopening the claims registry, I am vetoing Substitute House Bill No. 1258.

For these reasons, I have vetoed Substitute House Bill No. 1258 in its entirety.

Respectfully Submitted,



Mike Lowry  
Governor

**ESHB 1259**

C 243 L 93

Allowing for the destruction of forfeited firearms.

By House Committee on Judiciary (originally sponsored by Representatives Locke, Appelwick, J. Kohl, Wang, Reams, Veloria, Johanson, L. Johnson, Flemming and Pruitt).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** Firearms possessed or used in certain illegal ways may be seized by a law enforcement agency and ordered forfeited by a court.

When firearms are forfeited, firearms illegal for any person to possess must be destroyed if a court so orders. A maximum of 10 percent of forfeited firearms may be retained by a law enforcement agency for agency use. The remaining forfeited firearms, along with firearms no longer needed by the law enforcement agency, are to be auctioned to commercial sellers once a year if an agency has accumulated at least 10 firearms authorized for sale. For efficiency, law enforcement agencies may conduct joint auctions.

After the law enforcement agency deducts its costs, including actual costs of storage and sale, the agency for-



## SHB 1260

wards the auction proceeds to the Department of Wildlife for use in the Hunter Safety Program.

Some law enforcement agencies have declined to auction forfeited firearms.

**Summary:** By midnight, June 30, 1993, each law enforcement agency other than the Washington State Patrol must prepare an inventory of all firearms in the agency's possession that have been, or may be, forfeited.

The law enforcement agency must destroy every illegal firearm in the inventory and may retain 10 percent of the legal firearms for agency use. Of the remaining firearms in the inventory, the law enforcement agency must either:

- (1) comply with the auction provisions of the statute in effect immediately preceding the effective date of the act; or
- (2) trade or auction forfeited firearms not needed for evidence. Net auction proceeds must be forwarded to the state firearms range account. Further, for every short firearm the law enforcement agency neither trades nor auctions, the agency must pay a \$25 fee to the state treasurer, to a maximum of \$50,000. The state treasurer is to credit the fees to the firearms range account.

Regarding firearms coming into a law enforcement agency's possession after June 30, 1993, if the law enforcement agency has complied with the disposal requirements for firearms in its possession by June 30, the legislative authority in which jurisdiction the law enforcement agency is located may dispose of forfeited firearms not needed for evidence, except antiques, in any manner it chooses. Antique firearms, curios, relics, and firearms of particular historical significance must be auctioned or traded to commercial sellers. The legislative authority may keep the proceeds of an auction or trade.

Forfeited firearms in the possession of the Washington State Patrol on or after the effective date of the act, that are not needed for evidence, must be disposed of as follows:

- (1) firearms illegal for any person to possess must be destroyed;
- (2) the Washington State Patrol may retain a maximum of 10 percent of legal firearms for agency use; and
- (3) all other legal firearms must be auctioned or traded to commercial sellers.

The Washington State Patrol may keep any proceeds of an auction or trade.

### Votes on Final Passage:

House	71	27	
Senate	46	2	(Senate amended)
House	67	29	(House concurred)

**Effective:** May 7, 1993

## SHB 1260

C 300 L 93

Modifying review of solid waste collection company tariff filings.

By House Committee on Environmental Affairs (originally sponsored by Representatives Linville, Horn and Rust; by request of Utilities & Transportation Commission).

House Committee on Environmental Affairs  
Senate Committee on Ecology & Parks

**Background:** The Utilities and Transportation Commission (UTC) regulates all solid waste collection companies operating in the unincorporated areas of a county and some collection companies operating in cities.

Washington law does not require prior notice of rate changes applicable to the use of a landfill, transfer station or incinerator.

If a solid waste collection company regulated by the UTC wants to change a rate or a level of service such as routes or service delivery, it must provide 30 days notice to the public and to the UTC. During the 30-day period the UTC determines whether to approve the rate change or to initiate a formal review. A proposed rate change is "suspended" - does not go into effect - if the UTC decides to formally review it. By law, the UTC can suspend a proposed rate change for up to seven months.

**Summary:** A solid waste collection company regulated by the UTC is required to provide 45 days notice before changing rates or service levels. The UTC may suspend the company's requested change for up to 10 months, instead of the current seven months.

A county, city, or person initiating a rate change at a transfer station, landfill, or incinerator must provide written notice of the change to solid waste collection companies at least 75 days prior to the effective date of the rate change. A solid waste collection company may waive all or part of the 75-day notice requirement.

### Votes on Final Passage:

House	97	0	
Senate	45	0	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)
House	97	0	(House concurred)

**Effective:** July 25, 1993

## HB 1263

C 155 L 93

Specifying testing for state patrol promotion.

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

House Committee on State Government  
Senate Committee on Transportation

**Background:** State patrol officers are exempt from the state's civil service system. Examinations for the promotion of officers are conducted under the supervision of the chief of the State Patrol. Testing requirements are detailed in statute. For example, testing for promotion to the rank of lieutenant is required to be conducted and weighted as follows: service rating – 40 percent; written examination – 30 percent; oral examination – 20 percent; and personnel record – 10 percent. For promotion to the rank of sergeant, an officer's service rating and written examination are each weighted at 50 percent. All eligible officers are given 30 days notice of the examination.

According to the State Patrol, the current testing requirements negatively impact employee morale because officers are not given feedback on how to improve their performance. Additionally, new evaluative procedures, such as "group activity" evaluations and "in-basket" testing are not allowed under the current formulae. While these new evaluation techniques are considered very effective, they are time consuming and expensive. The State Patrol would like the flexibility to conduct these evaluations only on the top candidates.

**Summary:** The State Patrol examination for promotion to the rank of sergeant or lieutenant will consist of one or more of the following components: oral examination; written examination; service rating; personnel records; and assessment center or other valid tests. The statutory weighting of test components is deleted. A cutoff score for each testing component may be set that will eliminate those candidates scoring below the cutoff. Testing notices will specify the type of examination expected to be used and the relative weights assigned to each component.

**Votes on Final Passage:**

House	96	0
Senate	46	0

**Effective:** July 25, 1993

## EHB 1264

C 496 L 93

Regulating third party recoveries in workers' compensation cases.

By Representatives Heavey and R. Meyers.

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

**Background:** Under the industrial insurance law, an injured worker may not sue his or her employer or co-worker who may have negligently caused the worker's injury. The worker's exclusive remedy is the compensation available under the industrial insurance law. However, if a third party caused the injury, the worker may bring a personal injury suit against the third party.

The trier of fact in the third party lawsuit must determine the fault of all entities that caused the injury, includ-

ing entities immune from liability. If the worker recovers judgment in the third party suit, the Department of Labor and Industries or the self-insured employer is reimbursed for the benefits paid to the worker under the industrial insurance system, unless the employer or co-worker is found to be at fault.

After the award in the third party suit is distributed and the remaining balance paid to the worker, the worker is not entitled to further industrial insurance benefits until the worker has received medical services, has lost time from work, or has suffered increased disability in monetary amounts that equal the remaining balance paid to the worker.

**Summary:** The requirement for the trier of fact in a personal injury lawsuit to determine the fault of all the parties is changed. The trier of fact will not determine the fault of entities immune from liability under the industrial insurance law, such as employers. The total fault attributed to at-fault entities must equal 100 percent.

The statutory formula is amended that determines reimbursement for the Department of Labor and Industries or the self-insured employer after the injured worker recovers damages in a civil suit against a third party:

- (1) Provisions are deleted that made the right to reimbursement dependent on the determination of employer or co-employee fault.
- (2) The distribution formula is based on the benefits paid and not on future benefits payable.
- (3) The department's or self-insurer's share of the costs and fees is determined from the percentage relationship that the gross recovery bears to the benefits paid. The department's or self-insurer's share of the costs and reasonable attorneys' fees may not exceed 100 percent of those costs and fees.
- (4) The reimbursement share is determined by subtracting the department's or self-insurer's proportionate share of the costs and fees from the amount of benefits paid.

After the remaining balance of the recovery is paid to the worker, the worker is not entitled to further industrial insurance benefits until the amount of medical services and other costs of the worker equals an amount that is calculated by subtracting from the remaining balance the department's or self-insurer's proportionate share of the costs and fees.

The bill applies to all causes of action that the parties have not settled or in which judgment has not been entered prior to July 1, 1993.

**Votes on Final Passage:**

House	93	3
Senate	44	3

**Effective:** July 1, 1993



**SHB 1266**

C 78 L 93

Regulating veterinary medication clerks.

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Campbell, Dyer, R. Johnson, Cooke, Riley, Lisk, Morris, Dellwo and Ballasiotes).

House Committee on Agriculture & Rural Development  
Senate Committee on Agriculture

**Background:** The practice of veterinary medicine is regulated by state law administered by the Veterinary Board of Governors. The board also sets standards for veterinary medical facilities and for continuing veterinary education. The board prepares and conducts examinations for licensing persons to practice veterinary medicine or specialized veterinary medicine and for certifying persons as animal technicians. Licenses and certificates are issued for the board by the state's secretary of health. The secretary determines the fees for such licenses and certificates.

Legend drugs are defined by the state's prescription drug laws as being drugs which may be dispensed on prescription only or which are restricted to use by only physicians and surgeons, podiatrists, veterinarians, registered and licensed practical nurses, optometrists, physician's assistants, and pharmacists and their related licensed institutions, including research institutions. In general, controlled substances are substances other than alcoholic beverages which are subject to abuse and for which possession is limited to those registered with the state's Board of Pharmacy.

**Summary:** A new category of veterinary assistant is created. It is that of veterinary medication clerk. The performance of the duties of such a clerk is subject to regulation by the Veterinary Board of Governors. A veterinary medication clerk must have successfully completed a training program approved by the Board of Governors.

The fee for issuing a certificate of registration to a veterinary medication clerk is set by the secretary of the Department of Health. The registration must be renewed annually.

A veterinarian may delegate to a registered veterinary medication clerk or to a registered animal technician the performance of nondiscretionary functions defined by the Board of Governors for dispensing legend and nonlegend drugs (other than controlled substances) associated with the practice of veterinary medicine. These functions are to be performed while the veterinarian is on the premises and is quickly and easily available. Dispensing of drugs by the clerk or technician must meet the requirements of current law regarding such drugs and is subject to inspection by inspectors of the Board of Pharmacy.

If the veterinarian is not on the premises but has given written or oral instructions directing delivery of a packaged prescription, the registered clerk or technician may

deliver the prescription pursuant to the instructions. Such a delegation may take place only after the veterinarian has physically inspected the packaged prescription for proper formulation, packaging, and labeling.

**Votes on Final Passage:**

House 97 0

Senate 43 0

Effective: July 25, 1993

**EHB 1271**

C 301 L 93

Prescribing allowed vehicle lengths.

By Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Horn and Wood; by request of Department of Transportation.

House Committee on Transportation  
Senate Committee on Transportation

**Background:** The state of Washington is currently in non-compliance with the following federal vehicle length requirements contained in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991:

- (1) Federal law allows the operation of a combination consisting of two 28 and one-half foot trailers. In order to provide an adequate turning radius, the overall length of the combination is 61 feet. Current state law restricts the legal length of a double trailer combination to 60 feet.
- (2) Federal code sets the minimum overall length for a bus at 45 feet. With the exception of articulated auto stages and municipal transit vehicles, Washington's statutes limit bus lengths to a maximum of 40 feet.

**Summary:** Washington's statutes are brought into compliance with ISTEA's vehicle length provisions:

- (1) The legal length of a double trailer combination is increased from 60 to 61 feet to accommodate the operation of a combination consisting of two 28 and one-half foot trailers; and
- (2) The length of a bus (auto stage, private carrier bus or school bus) is increased from 40 to 46 feet.

**Votes on Final Passage:**

House 91 0

Senate 43 1 (Senate amended)

House 95 0 (House concurred)

Effective: July 25, 1993



**HB 1292**

C 167 L 93

Defining "employment" for unemployment compensation.

By Representatives Anderson, G. Cole, Chandler, Heavey, Veloria, Wood, Franklin, Springer, King and J. Kohl.

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

**Background:** Under the unemployment compensation law, all employees are covered, except for those specifically excluded, such as barbers and cosmetologists. Independent contractors and corporate officers are not covered. "Employment" means personal services performed for wages or under any contract calling for the performance of personal services. There are two alternative tests for determining whether the services of an independent contractor constitute employment.

Personal services are employment if performed by an individual for remuneration, unless: (1) the individual performing the services is free from control or direction over the performance; (2) the service is either outside the usual course of business for which the service is performed or the service is performed outside all of the places of business of the enterprise; and (3) the individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service.

As an alternative, personal services do not constitute employment if: (1) the individual performing the services is free from control or direction over the performance; (2) the service is either outside the usual course of business for which the service is performed, the service is performed outside all of the places of business of the enterprise, or the individual is responsible for the costs of the place of business from which the service is performed; (3) the individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service or has a principal place of business eligible for a business tax deduction; (4) on the effective date of the contract, the individual is responsible for filing a schedule of expenses with the federal Internal Revenue Service for his or her business; (5) on the effective date of the contract or within a reasonable period, the individual has an account with the Department of Revenue and other agencies as required by law and has a state unified business identifier number; and (6) on the effective date of the contract, the individual is maintaining a separate set of accounting records for the business.

The exclusion for barbers and cosmetologists provides that employment does not include services performed in a barber or cosmetology shop by "booth renters." Under the barber and cosmetology licensing law, "booth renter" is defined as a person who performs cosmetology, barbering, esthetics, or manicuring services where the use of the sa-

lon/shop facilities is contingent upon compensation to the owner and the person receives no compensation or other consideration from the owner for the services performed.

**Summary:** For purposes of unemployment compensation law, employment does not include services performed by a licensed massage practitioner in a massage business, if the use of the business facilities is contingent upon compensation to the owner and the person receives no compensation from the owner for the services performed.

**Votes on Final Passage:**

House	97	0
Senate	46	0

**Effective:** July 1, 1993

**ESHB 1294**

C 517 L 93

Changing provisions in LEOFF Plan II to allow retirement at age fifty.

By House Committee on Appropriations (originally sponsored by Representatives Locke, Mielke, Orr, Heavey, Scott, Quall, Chappell, R. Fisher, R. Meyers, Ludwig, R. Johnson, Wood, Grant, Riley, King, Mastin, Forner, Franklin, Karahalios, Jacobsen, Zellinsky, Romero, Johanson, Morris, Flemming, Leonard, Brown, Finkbeiner, Holm, Eide, G. Cole, Ogden, Jones, Wang, Sheldon, Bray, G. Fisher, Long, Dellwo, Roland, Tate, Springer, Thibaudeau, L. Johnson, J. Kohl, Veloria, Dunshee, Basich, Campbell, Kessler, H. Myers, Vance, Brough, Dorn, Hansen, Schmidt, Cooke, Casada, Edmondson, Carlson and Brumsickle).

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background: PLAN I RETIREMENT AGE**

Plan I of the Teachers', Public Employees', and Law Enforcement Officers' and Fire Fighters' retirement systems (TRS, PERS, and LEOFF) could be considered "career-based" retirement systems. Eligibility to retire is based on completion of a career in public service, and does not necessarily imply that the member is at an age when he or she would leave the workforce entirely.

In PERS and TRS I, members can retire after 30 years of service regardless of age, or at age 55 with at least 25 years of service. People with shorter careers in public service can retire with at least five years of service at age 60. In LEOFF I, members can retire at age 50 with at least five years of service.

**PLAN II RETIREMENT AGE**

In 1977, Plan II established normal retirement at ages when members would presumably leave the workforce, rather than when they would leave a career. PERS and TRS II members receive full retirement benefits at age 65. LEOFF II members receive full benefits at age 58. The lower age in the LEOFF system presumably recognizes

## EHB 1303

that there may be physical limitations to continued performance of police and fire fighting duties.

Plan II members can choose to retire earlier than age 65, or 58 in LEOFF, but the pension benefits they receive are actuarially reduced to reflect the longer period in retirement, so there is no net impact on the pension funds.

### PORTABILITY

If an employee leaves employment in one retirement system, and moves to another, service credit is split between the two systems. Unless there is a policy of portability, the employee ends up with a lower retirement benefit than if he or she had remained in one system for an entire career. This is because the benefit in the first retirement system will be calculated using the outdated average final salary earned by the employee when he or she left the first system.

Portability, or dual membership, is allowed between most of the state's retirement systems. However, it does not extend to the LEOFF Plan II system.

### WITHDRAWAL OF CONTRIBUTIONS

A member who leaves employment after vesting with five years of service has two options. The employee can withdraw his or her accumulated employee contributions in a lump sum, plus interest as determined by the director of the Department of Retirement Systems. The current interest rate is 5.5 percent annually.

Alternatively, the employee can leave the contributions in the retirement system and, upon reaching retirement age, begin to draw a pension. However, the pension will be based on the employee's average final salary at the time he or she left public employment.

**Summary:** The statutes governing the LEOFF Plan II system are amended. The purpose is to: (1) provide full retirement benefits to law enforcement officers and fire fighters at an appropriate age that recognizes the unique nature and physical demands of their work; (2) provide a reasonable value from the retirement system for law and fire employees who leave before retirement; (3) increase flexibility for these employees to make transitions into other public or private sector employment; (4) increase employee options for retirement needs, personal financial planning, and career transitions; and (5) continue the Legislature's established policy of employees paying a 50 percent share in the contributions for retirement.

### RETIREMENT AGE

The age at which members of Plan II of the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF II) can retire with full benefits is reduced from 58 to 55.

### PORTABILITY

LEOFF Plan II is added to the list of other state retirement systems that allow portability, or dual membership, among the systems for purposes of accumulating service credit and determining average final salary.

### INDEXED VESTED BENEFITS

The pension benefit of a LEOFF II member who separates from employment before retirement, and retains membership by leaving his or her employee contributions intact in the retirement system, is increased by 0.25 percent for each month, compounded, from the time the member leaves service to the time the member begins to draw the pension. This equals a 3 percent annual increase. This option is only available to members with at least 20 years of service.

### CASH-OUT OF EMPLOYEE CONTRIBUTIONS

A member with at least 10 years of service who separates from employment, can choose to receive 150 percent of his or her accumulated employee contributions, plus interest, rather than leaving the contributions in the retirement system.

### EMPLOYEE CONTRIBUTIONS PAID BY EMPLOYEE

The list of issues for consideration by an interest arbitration panel is not to be construed by the panel to require an employer to pay the increased employee contributions toward retirement that result from the benefits provided in this act.

### **Votes on Final Passage**

House	96	0
Senate	42	5

**Effective:** July 25, 1993

## EHB 1303

C 6 L 93

Authorizing state highway bonds.

By Representatives R. Fisher and Johanson; by request of Department of Transportation.

House Committee on Transportation  
Senate Committee on Transportation

**Background:** The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) provides federal funding for several transportation programs. The new ISTEA formulas for the Surface Transportation Program (STP) guarantee that each state will receive at least a certain percentage of all federal highway funds. The percentage for Washington State is 2.06 percent.

If a state receives less funding for other programs such as interstate construction, it is entitled to receive more funding in STP in order to meet the minimum 2.06 percent requirement.

The Department of Transportation (DOT) determined that by "turning back" its federal fiscal year 1993 interstate construction apportionment, Washington would receive more STP funding while receiving at least the same amount of interstate completion funding in later years of the ISTEA. The total gain in federal funding over the life of ISTEA was projected to be \$78 million.



The DOT, after consultation with the Legislative Transportation Committee (LTC), took action to turn back its Federal Fiscal Year 1993 interstate construction apportionment. The LTC was advised that a slowdown in work on completing the interstate system in our state may occur unless the state used a provision in federal law called "advance construction." This provision allows a state to proceed with construction using state funds to be reimbursed from federal funds at a later date.

**Summary:** Up to \$200 million in bond authority is authorized to be used for continuing the Department of Transportation's interstate completion program using the advanced construction concept. The bond authorization will enable the department to take advantage of additional tumbuck in fiscal year 1994, assuming the opportunity is available and benefits the state.

**Votes on Final Passage:**

House	95	0
Senate	47	0

**Effective:** March 16, 1993

**ESHB 1307**

C 302 L 93

Reauthorizing and modifying the Washington service corps.

By House Committee on Trade, Economic Development & Housing (originally sponsored by Representatives Locke, Eide, Silver, Dunshee, L. Johnson, Pruitt, Brough, Sheldon, Jones, Long, Franklin, Talcott, J. Kohl, Wood, Lemmon, Jacobsen, Wang, Leonard, Quall, Rayburn and King).

House Committee on Trade, Economic Development & Housing

House Committee on Appropriations

Senate Committee on Trade, Technology & Economic Development

Senate Committee on Ways & Means

**Background:** The Washington Service Corps (WSC) was created by the Legislature in 1983. The Department of Employment Security administers the program. The WSC provides unemployed and out-of-school youth, between 18 and 26 years of age, with temporary jobs that benefit the youth's local community. The goal of the program is to enhance the employability of these youth while addressing unmet local community needs.

Participants serve for six months and receive a stipend, health insurance, training, and eligibility for a scholarship if the participant completes the full six months. The scholarship is equivalent to one year's tuition at a community or technical college. The scholarship must be used within two years. The program allows for a six month extension of service.

At least 60 percent of the projects must be in distressed areas.

The WSC expires July 1, 1993.

**Summary:** The six month service period for the Washington Service Corps, and possible six month extension, is replaced with a service period not to exceed 11 months. The post-service scholarship is changed from one year to two years. The scholarship is only available to those who complete the 11 month service period, must be started within one year of completing the service period, and must be used within four years of completing the service period. A scholarship account is created in the state treasury.

The commissioner may enroll youth 14 to 17 years of age on special projects during the summer and at other times of the year that may compliment their school curriculum.

The July 1, 1993 expiration of the WSC is repealed.

**Votes on Final Passage:**

House	95	0	
Senate	46	0	(Senate amended)
House			(House refused to concur)

**Conference Committee**

Senate	43	0
House	98	0

**Effective:** July 1, 1993

**2ESHB 1309**

C 4 L 93 E1

Protecting and recovering wild salmonids.

By House Committee on Fisheries & Wildlife (originally sponsored by Representatives King, Orr, Scott, G. Cole, Basich, Lemmon, Morris, Jones, Rust, Holm, R. Meyers, Johanson, J. Kohl, Jacobsen and Leonard).

House Committee on Fisheries & Wildlife

House Committee on Appropriations

Senate Committee on Natural Resources

Senate Committee on Ways & Means

**Background:**

**THE ENDANGERED SPECIES ACT AND WILD SALMONIDS**

Columbia River Salmon and the Endangered Species Act (ESA): In April and June of 1990, petitions were filed under the ESA by the Shoshone-Bannock tribe in Idaho, Oregon Trout and five other organizations, to list five wild stocks of Columbia River salmon as threatened or endangered. These stocks were: Snake River sockeye, Snake River spring, summer, and fall chinook, and lower Columbia River coho. The National Marine Fisheries Service (NMFS) is the federal agency with jurisdiction over endangered salmon species. In April and June of 1991, NMFS proposed that three of the five stocks of salmon be listed under the ESA. These stocks were the Snake River

sockeye salmon (proposed as endangered), the Snake River fall chinook (proposed as threatened) and the Snake River spring/summer chinook (proposed as threatened). The three stocks were officially listed by NMFS in late 1991 and in 1992.

Wild Stocks Under the Endangered Species Act: An important part of the NMFS decision was its determination of what the definition of stocks would be that constituted a "species" for purposes of the ESA. The agency determined that an "ecologically significant unit" would constitute a species for these purposes. Another key point in application of the ESA to fish is that the wild stocks were recognized as being genetically and biologically important and meriting protection, while naturally spawning fish that had been intermixed with hatchery stocks did not warrant consideration under the ESA as separate wild stocks.

Salmon in the Columbia River System and Reasons for Decline: Approximately one-third of the Columbia River drainage that historically supported salmon populations is not currently accessible to these fish because of dam construction without fish passage facilities. Alterations in river flow and velocity, adjacent habitat changes due to timber, agricultural and grazing practices and reduced instream flows, irrigation diversions, commercial and recreational harvest, and hatchery practices have resulted in fewer returns of spawning adults from the ocean than historically. In the mid-19th century, anadromous fish runs in the Columbia River basin numbered up to 16 million adult fish. Anadromous fish include salmon, steelhead, and sea-run cutthroat trout. Juveniles migrate from freshwater to the ocean, where they take between one and five years to mature. They return as adults to their streams of origin to spawn. Salmon and steelhead numbers on the Columbia have been reduced to about 15 percent of historic run sizes.

Endangered Salmon Recovery Efforts:

- (1) Salmon Recovery Team: NMFS appointed a salmon recovery team following the listings of Columbia River salmon. Their mission is to develop a recovery plan for the listed stocks. The plan is expected to be presented to NMFS in the spring of 1993.
- (2) Northwest Power Planning Council Fish and Wildlife Plan Amendments: In 1980, Congress passed the Northwest Power Act. The act created the Northwest Power Planning Council (NWPPC) and directed it to determine how much energy the region would require over the next 20 years; to develop an electric power plan to meet those needs; and to develop a program to protect, and enhance fish and wildlife and related habitat in the Columbia River basin. To accomplish this, the NWPPC developed the Columbia River Basin Fish and Wildlife Program, which has several features important to salmon survival, including a water budget, juvenile fish bypass facilities improvement schedule, active transportation of fish around lower dams and reservoirs, adult fish passage facilities, and an integrated system plan for enhancements. Power generation meth-

ods for power purchased by Bonneville must be in compliance with the council's plan.

The council amended its program plan in 1992, in response to the declining wild salmon stocks. Specific recommendations for Columbia River salmon recovery include increasing river velocities to reduce fish travel time, screening dams to protect juvenile fish, reducing losses to predators such as squawfish, seals and sea lions, barging juvenile fish past dams, reducing harvest, improving hatchery practices, and protecting and restoring habitat.

- (3) Columbia River Salmon Flow Measures: The Army Corps of Engineers, Bureau of Reclamation, and the Bonneville Power Administration conducted a reservoir drawdown experiment on the Snake River in March 1992, to determine whether such a drawdown would increase flows and thereby the speed of juvenile fish passage, and whether such a project would have adverse effects on the dam, roads, or irrigators. The draft results of the experiment were published in November 1992, and although the test provided substantial information on physical effects, the biological and environmental effects remain inconclusive.

Status of Other Wild Salmonid Stocks: A 1991 report by members of the Endangered Species Committee of the American Fisheries Society states that 214 native, naturally spawning salmonid stocks in Oregon, Washington, Idaho, and California are at high or moderate risk of extinction. Fifty-two of these are in the Columbia River Basin and 38 are along the Washington Coast or in Puget Sound. The departments of Fisheries and Wildlife are currently conducting status reviews of wild salmon and steelhead stocks, respectively, in Washington, and expect to complete draft reports by February of 1993.

A petition to list bull trout, a resident salmonid species, was recently filed in September 1992, with the U.S. Fish and Wildlife Service in Montana, for listing and designation of critical habitat regionwide including Washington.

HARVEST AND HATCHERY MANAGEMENT TECHNIQUES TO INCREASE WILD STOCKS OF SALMONIDS

The Department of Wildlife regulates the recreational harvest of resident fish and of steelhead and sea-run cutthroat trout. The Department of Fisheries regulates the commercial and recreational salmon fisheries for non-treaty fishers. Both agencies coordinate with the tribes in developing commercial harvest regulations. The tribes fish commercially for both salmon and steelhead. Regulations are designed to provide harvest opportunities and sustain fish runs.

Marking and Catch and Release: Where a distinction between wild and hatchery stocks needs to be made for the purpose of allowing wild fish, if caught, to be released, the hatchery fish may be marked by clipping the adipose fin. The Department of Wildlife has marked most of its hatchery-raised steelhead and sea-run cutthroat trout and is



therefore able to implement catch and release regulations for recreational fishers. For almost all of the steelhead and sea-run cutthroat stocks identified by the American Fisheries Society as stocks of concern, these regulations are already in place. The Department of Fisheries has not marked all hatchery fish. Even if all were marked, the utility of returning wild fish caught commercially with current techniques is low, since these fish caught in nets are usually dead shortly after the nets are hauled in. The recreational fishery could be managed for catch and release if all hatchery-raised salmon were marked. However, there are concerns about hooking-related mortality. Certain fishing methods such as fish wheels and weirs may allow selectivity in the commercial fishery; however, these have been made illegal in the state (RCW 75.12.040).

#### FISH AND WILDLIFE HABITAT CONSIDERATIONS IN MANAGING AGRICULTURAL AND GRAZING LANDS

Grazing and agricultural practices can negatively affect fish and wildlife by removing native vegetation, by altering streamside vegetation, and by degrading water quality. The decline of some salmonid stocks in Washington has been attributed by some scientists to agricultural and grazing practices.

Programs to Protect Fish and Wildlife on Agricultural and Grazing Lands: The federal Clean Water Act and State Water Pollution Control Act (Chapter 90.48 RCW) require that land management activities maintain clean water standards that have been developed pursuant to the federal act to protect water quality. Best management practices (BMPs) are being developed for use by landowners to maintain water quality that meets the standards. Agricultural BMPs exist for dairies, irrigated agriculture and dry-land agriculture. The state conservation districts participate in providing interested landowners with information on how to achieve the standards in the BMPs. The Department of Ecology will verify complaints of water quality violations due to agricultural and grazing practices and will prescribe remedial measures to the violator that are designed to meet BMPs. Various federal and state cost-share programs exist to assist landowners in meeting BMPs.

Under 1990 provisions of the federal Food Security Act, erodible soils and wetlands on farmlands are protected by providing financial incentives to landowners to do so. The Conservation Reserve Program (CRP), for example, pays agricultural landowners to remove highly erodible cropland from production. The purpose of these programs is for soil and water conservation and water quality, but fish and wildlife habitat may also benefit.

Under provisions of the Growth Management Act, counties and cities in Washington must designate and protect critical areas and designate natural resource lands. However, there are no regulatory programs that specifically require that fish and wildlife habitat be protected or managed according to certain standards on private agricultural and grazing lands, although there are several cost-

share and technical assistance programs available from the state and federal governments for fish and wildlife habitat management. The Forest Practices Act requires riparian zone protection in certain forested lands.

Management of Agricultural and Grazing Lands by the departments of Natural Resources and Wildlife: The departments of Natural Resources and Wildlife lease state lands for grazing and agriculture, and each agency is subject to specific statutory mandates and operates under distinct management policies to carry out those mandates.

Washington State Department of Natural Resources (DNR): Of the approximately three million acres of trust uplands managed by DNR, about 1.1 million are leased or permitted for livestock grazing or agriculture in Washington State. The department manages lands which are held in trust for various educational and institutional beneficiaries, and has the fiduciary responsibility of managing these lands for providing income to the trust beneficiaries. The income generated from lease and permit fees is distributed to the appropriate trust beneficiaries, including the Common School Construction Fund, universities and other state institutions.

The Department of Natural Resources adopted an Agricultural and Grazing Policy Plan in 1988, which outlines resource protection policies for management of agricultural and range lands. The policies do not specifically require the achievement of wildlife or fisheries goals in land management activities, although the importance of riparian zones is addressed. The department implements resource protection agreements with 15 to 20 percent of lessees to protect soil and water resources, with the intent of maintaining long term productivity of its trust lands. The department requires that the lessees premises remain open to hunting and fishing.

Washington State Department of Wildlife (WDW): The Department of Wildlife manages 840,129 acres of land in Washington, and about 160,000 acres are leased for livestock grazing and agriculture. WDW's statutory mandate is to preserve, protect, and perpetuate wildlife (RCW 77.12.010). To this end, a department policy applicable to grazing permits (Policy 2255) states that all grazing permit proposals must demonstrate that grazing will benefit wildlife and be in the public interest. The department is authorized by RCW 77.12.210 to lease property. The department requires a grazing plan from each potential lessee, and the Wildlife Commission reviews each grazing permit to determine whether the grazing will benefit wildlife management programs. Specific terms and conditions in the lease may address on-off dates, move dates, livestock numbers, rotation schedule and pattern, forage use level and/or stubble height. A monitoring plan is also required of the lessee, to ensure that conditions are being met. The department receives habitat enhancement services from lessees in addition to lease fees.

Habitat Management Standards for Fish and Wildlife Protection on Agricultural and Grazing Lands: Best man-

agement practices address part of what fish need to survive: clean water. There are many components of fish habitat such as shading and large organic debris in the stream, that are not part of the BMPs. Specific standards for fish, wildlife and habitat protection on forested lands have been developed by the Department of Wildlife's Priority Habitats and Species Program. These do not have the force of law, but are management recommendations for use by interested parties. Such standards have not yet been developed for widespread use on agricultural and grazing lands, although the Department of Wildlife applies standards to the lands under its management or control.

Washington State University: Washington State University's agricultural department and cooperative extension service conduct research and provide educational information on agricultural and grazing practices to a variety of landowners. The cooperative extension service works with conservation districts and the federal Soil Conservation Service in its efforts to prescribe BMPs. There is no statutory provision for incorporating fish and wildlife considerations into these programs.

#### WATER CONSERVATION MECHANISMS TO IMPROVE FISH HABITAT

Water use in Washington includes municipal, industrial, irrigation, hydroelectric generation, and instream uses. Irrigation accounts for the majority of water use in Washington. Water withdrawals in eastern Washington are primarily from surface water sources and used for irrigation. The largest surface water withdrawals are from the upper Columbia and Yakima river basins. In western Washington, withdrawals are also from surface water, but the main use is for public supply. Groundwater withdrawals are mainly from the Columbia river aquifer.

The Department of Ecology is the lead agency in water resource management. The Department of Health (DOH) and the Utilities and Transportation Commission (UTC) share the goal of assuring safe and reliable supplies of drinking water. The Department of Health has the authority under Chapter 70.119A RCW to implement the federal Safe Drinking Water Act amendments of 1986. DOH has regulatory jurisdiction over public water systems. In Washington, any water system serving two or more connections is classified as a public water system. A public water system can be publicly or privately owned. Publicly owned systems include water districts, public utility districts, and cities and towns. Privately owned water systems include companies, associations, mutuals, and cooperatives. There are currently over 12,500 water systems in the state of Washington that have two or more service connections. Over 12,300 of these have less than 1,000 service connections and are defined as small water systems. These systems often have financial problems, and 95 percent of them are privately owned.

Offstream uses of water for drinking water supply and irrigation compete with instream needs. Adequate instream flows are important for fish. Several stocks of salmonids

have been identified as being in decline due to, in part, lack of adequate instream flows. Instream flows for beneficial uses are set by Department of Ecology rule, with statutory authority provided by RCW 90.22.010. Instream flow levels on many important salmonid bearing streams have yet to be established. Under existing state law, instream flows established by administrative rule are senior to subsequently established water rights but junior to prior established water rights. Since most instream flows have been established since 1975, many are junior in status to existing water rights.

Rate Structures: Water conservation techniques can help to achieve or restore adequate instream flows where they are currently inadequate. These techniques can include incentives and can be applied selectively to areas where known problems exist. The departments of Ecology and Health administer a water conservation planning program, under which public water systems for potable water supply must prepare water system plans with conservation elements (RCW 43.20.230). The Draft Interim Guidelines for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs, issued in November 1992, and prepared jointly by DOE, DOH, and the Washington Water Utilities Council, identify conservation pricing as a rate design technique to provide economic incentives to conserve water, and require public water systems of 1,000 service connections or more to evaluate conservation pricing as a conservation element in the conservation program.

RCW 43.20.230 requires the Department of Health, contingent upon the availability of funds, to adopt model rate structures for use primarily by small water systems (those with less than 1,000 service connections). This has not been done due to lack of funding. Several large utilities have begun an incremental process of rate reform to remove disincentives to conservation. At least one irrigation district has adopted an increasing block rate.

Trust Water Rights: In 1991, the Legislature passed ESHB 2026, which authorized a trust water rights program to be established in 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 and must not impair existing water rights. This is one strategy to increase instream flows.

Water Resources Forum/Instream Flow Policy: In 1990, members of the Joint Select Committee on Water Resource Policy, other legislators, the governor's office, and tribal leaders agreed to develop a process for regional water resources planning. ESHB 2932, passed by the Legislature in 1990, required that this occur. The Chelan Agreement was formulated to provide a framework for this



planning, and the Water Resources Forum is carrying out the planning process. The forum is currently developing an instream flow policy for the state.

Metering of Diversions: Current law requires that owners of ditches or canals maintain metering to the satisfaction of the Department of Ecology (RCW 90.03.360). Metering of any diversions and reporting on the amount of water diverted may be required as a condition for all new water right permits. The purpose of metering is to assure that water withdrawals do not exceed appropriated amounts. Many diversions are not metered and so enforcement of water use is difficult.

#### ENVIRONMENTAL EDUCATION

RCW 28A.230.020 provides that all common schools shall give instruction in science with special reference to the environment. In 1987, the Office of the Superintendent of Public Instruction (SPI) developed environmental education guidelines for Washington schools. In 1990, the state Board of Education adopted a resolution which requires the integration of environmental education in grades K-12. In 1990, the Governor's Council on Environmental Education was created by Executive Order 90-06 as part of the Environment 2010 Action Agenda. The council is moving from a science-oriented approach to environmental education toward integration of science with language arts, math, social studies, health and physical education, with the intent of providing recommendations on environmental issues to SPI and the state Board of Higher Education, among others, and with the intent of supporting interdisciplinary programs in K-12. A focus on the importance of fish and wildlife may be lost in these efforts to broaden environmental education.

The school districts are not required to utilize recommendations from the council or SPI. One mechanism to encourage adoption of recommendations at the district level is to provide incentives such as funding.

**Summary:** The Department of Fisheries (WDF) and the Department of Wildlife (WDW) are each directed to establish a wild salmonid policy, jointly with the tribes, by July 1, 1994. The policy is to ensure that department actions and programs are consistent with the goals of rebuilding wild stock populations to levels that permit commercial and recreational fishing opportunities.

WDF and WDW are directed, with input from the tribes, and after coordination with California, Oregon, Alaska, Idaho, British Columbia, Montana and appropriate federal agencies, to jointly report to the Legislature on the feasibility of selective marking techniques that can be used to minimize impacts of fishing on wild or natural stocks of salmonids. The report is to address costs, benefits, and risks associated with marking.

WDF is directed to evaluate and recommend, in consultation with the Indian tribes, salmon fishery management strategies and gear types, as well as a schedule for implementation, that will minimize the impact of commercial and recreational fishing in the mixed stock fishery on

critical and depressed wild stocks of salmonids. As part of this evaluation, the department, in conjunction with the commercial and recreational fishing industries, will evaluate commercial and recreational salmon fishing gear types developed by these industries. The department is to present status reports to the Legislature by December 31 of each of 1993, 1994, and 1995, and will present the final evaluation and recommendations by December 31, 1996.

Development and Application of Habitat Management Standards: By December 31, 1993, WDW and WDF are each to develop goals to preserve, protect, and perpetuate wildlife and fish on shrub steppe habitat or on lands that are presently agricultural lands, rangelands or grazable woodlands. These goals are to be consistent with the maintenance of a healthy ecosystem. The Washington State Conservation Commission is directed to appoint a technical advisory committee by July 31, 1993, to develop standards that achieve these goals. The committee members will include but are not limited to technical experts representing the following interests: agriculture, academia, range management, utilities, environmental groups, commercial and recreational fishing, Indian tribes, Department of Wildlife, Department of Natural Resources, Department of Ecology, Department of Fisheries, the conservation districts, the Washington Rangelands Committee, and the Department of Agriculture. A member of the Conservation Commission will chair the committee.

By December 31, 1994, the committee must develop standards to meet the goals established by WDF and WDW. These standards are not to conflict with the recovery of wildlife or fish species that are listed or proposed for listing under the federal Endangered Species Act.

The Conservation Commission is to approve the standards and provide them to DNR and WDW, the Washington State University Cooperative Extension Service, each of the conservation districts, and the appropriate committees of the Legislature. The conservation districts are to make these standards available to the public and for coordinated resource management planning.

The Department of Wildlife and DNR are directed to implement practices necessary to meet the standards developed pursuant to this act on department owned and managed agricultural and grazing lands. Implementation of the standards on DNR lands is to be consistent with the trust mandate of the Washington State Constitution and Title 79 RCW. The standards may be modified on a site specific basis as needed to achieve the fish and wildlife goals, and as determined jointly by the either the Department of Fisheries or the Department of Wildlife, according to the species which each of these agencies respectively manages, and the relevant land managing agency. Renewal of agricultural or grazing leases after December 31, 1994 will be subject to the developed standards.

Integration of Fish and Wildlife into Agricultural Curriculum at Washington State University: Washington State University is directed to report to the appropriate legisla-

tive committees by December 31, 1993, on how to best integrate fish and wildlife considerations with the existing curriculum in the university's agriculture department and with the cooperative extension service. Washington State University will also report on the feasibility and cost of creating a rotational assignment with WDW to accomplish cross-training in wildlife and fish management and farm and grazing management.

Providing Stock Status Data: WDF and WDW are directed to provide information on salmonid stock status by individual stock to the Department of Ecology, the Washington Association of Cities, the Washington State Association of Counties, and water purveyors.

Water Metering: The Department of Ecology (DOE) is to condition all new surface water right permits with a requirement for the metering of diversions or for measurement by other approved methods and for the reporting on the amount of water being diverted. The department must condition previously existing surface water rights with such a requirement if the diversion is from waters in which the salmonid stock is identified by WDF or WDW as depressed or critical, or if the diversion exceeds one cubic foot per second. The DOE is authorized to condition all water rights with a metering requirement. The DOE is to notify WDW or WDF of the status of fish screens associated with these diversions. The DOE is to attempt to integrate the metering work into the existing compliance workload, but to prioritize metering ahead of the existing workload in situations where a delay in metering could cause harm to wild salmonids.

Water Rate Structure Evaluation and Model Rate Structures: Water purveyors required to develop a water system plan pursuant to RCW 43.20.230 are to evaluate the feasibility of adopting and implementing water delivery rate structures that encourage water conservation. This information is to be included in water system plans submitted to the Department of Health (DOH) for approval after July 1, 1993. The Department of Health is to evaluate the following:

- (1) rate structures currently used by public water systems in Washington; and
- (2) economic and institutional constraints to implementing conservation rate structures.

The Department of Health is directed to provide its findings to the Legislature no later than December 31, 1995.

The Department of Health is directed to provide advice and technical assistance on request for development of model conservation rate structures for public water systems.

The Department of Ecology, in cooperation with the Washington State Water Resources Association, is directed to:

- (1) determine and evaluate rate structures currently used by irrigation districts in the state of Washington;

- (2) identify economic and institutional constraints to implementing conservation rate structures; and
- (3) develop model conservation rate structures for consideration by irrigation districts.

The Department of Ecology is to provide its findings to the Legislature no later than December 31, 1993.

Instream Flow List: By December 31, 1993, DOE is directed, in cooperation with WDF and WDW and the Indian tribes, to establish a list of priorities for evaluation of instream flows in basins with declining stocks of wild salmonids. The list is to be presented to the Water Resources Forum and the Legislature. In establishing these priorities, DOE is to consider the recovery and protection of wild salmonids as its primary goal. The Department of Ecology is also to recommend ways of applying water savings from water rights transfers to achieve instream flows.

K-12 Education: The Governor's Council on Environmental Education is directed to accomplish the following:

- (1) raise and distribute public and private funds for the purpose of providing environmental education programs to public and private elementary and secondary schools. The programs are to emphasize the importance of species conservation and fish and wildlife as indicators of ecosystem health;
- (2) support interdisciplinary programs that integrate fish and wildlife preservation and management with other areas of environmental education; and
- (3) balance educational programs, including economic costs and economic benefits of species conservation.

The act is null and void if specific funding is not provided in the Omnibus Appropriations Act.

**Votes on Final Passage:**

House	92	5
<u>First Special Session</u>		
House	86	6
Senate	39	6

**Effective:** August 5, 1993

**SHB 1316**  
C 303 L 93

Authorizing city councilmembers to serve as reserve police officers.

By House Committee on Local Government (originally sponsored by Representatives Springer, H. Myers and Thomas).

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** The legislative body of any city or town may authorize by resolution adopted by unanimous vote, any of its members to serve as volunteer fire fighters and receive the same compensation, insurance, and other bene-



fits applicable to other volunteer fire fighters employed by the city or town.

**Summary:** The legislative body of any city or town may authorize by resolution adopted by a two-thirds vote of the full legislative body, any of its members to serve as volunteer fire fighters or reserve law enforcement officers and receive the same compensation, insurance, and other benefits applicable to other volunteer fire fighters or reserve law enforcement officers employed by the city or town.

**Votes on Final Passage:**

House	94	0	
Senate	47	0	(Senate amended)
House	95	0	(House concurred)

**Effective:** July 25, 1993

**HB 1317**

C 156 L 93

Authorizing the state parks and recreation commission to enter into cooperative agreements with private nonprofit corporations with regard to state park property and facilities.

By Representatives Pruitt, Ballard, Morton, Sheldon, Jones, Wolfe, Schoesler, R. Johnson, Kessler, Johanson and Chandler.

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

**Background:** The State Parks and Recreation Commission may allow private nonprofit groups to use state park property and facilities to raise money for state parks. If available, agency personnel and services may be used in the fund-raising effort. Current law states that any moneys raised must be used solely for park purposes; none of the funds may go to the nonprofit group except in its status as a public user of park facilities. This has been interpreted to mean that private nonprofit groups may not recover any expenses related to their fund-raising efforts on behalf of state parks.

**Summary:** The State Parks and Recreation Commission may enter into cooperative agreements with private nonprofit groups as well as allow for the use of state park property and facilities for the purpose of raising money for state parks. The requirement that the money raised be used solely for park purposes is removed. Instead, none of the money raised by a nonprofit group may benefit the group except in furtherance of its purposes to support state parks.

**Votes on Final Passage:**

House	97	0
Senate	44	0

**Effective:** July 25, 1993

**SHB 1318**

C 244 L 93

Changing boating safety provisions.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Pruitt, Ballard, Morton, Sheldon, Wolfe, Schoesler, R. Johnson and Jones).

House Committee on Natural Resources & Parks  
Senate Committee on Ecology & Parks  
Senate Committee on Ways & Means

**Background:**

STREAMLINING BOATING LAWS

The state's boating laws are administered largely by the Washington State Parks and Recreation Commission.

In 1992, the Legislature consolidated and recodified boating laws from seven separate chapters of the Revised Code of Washington into one chapter. While the consolidation was accomplished, the chapters were not well integrated. For example, separate definitions for each chapter were left intact, making it difficult for state boating safety personnel, law enforcement officers, and boaters to understand the boating laws.

Over the past year, the Washington State Parks and Recreation Commission's Boating Safety Council, the United States Coast Guard, law enforcement officers, boaters, and industry representatives have developed recommendations for streamlining and modernizing the boating laws.

MUFFLER DEVICES

The boating laws require that all motor-driven vessels contain an "adequate" muffler device "so as to preclude excessive ... noise." However, the laws do not specify what constitutes excessive noise.

OVERLOADING, OVERPOWERING AND FLOTATION DEVICES

Current laws contain no standards governing the overloading or overpowering of vessels. The laws generally do not require personal flotation devices for vessels other than motor-driven boats, vessels pulling water skiers, vessels carrying passengers for hire, and "personal watercraft."

VIOLATION OF BOATING LAWS

A violation of the boating laws is a misdemeanor, punishable by a jail term of not more than 90 days and/or a fine of not more than \$1,000.

In recent years, there has been a trend to decriminalize minor violations of state law and reclassify them as civil infractions. Violators of laws classified as civil infractions pay a fine. However, the commission of an infraction does not result in a jail term, nor does it result in the offender having a criminal record.

REGISTRATION FEES

Generally, vessel owners are required to register their vessels with the Department of Licensing and to pay a registration fee of \$6 per year. The state distributes the registration fees received in excess of \$1.1 million per year

## ESHB 1320

to local governments with state-approved boating safety programs. The local governments are required to use the funds distributed to them for their boating safety programs.

Under specified circumstances, counties are authorized to impose an excise tax on vessels stored or moored in the county and to use the tax revenues for local boating programs.

### SEWAGE FACILITIES

Boating laws authorize the Parks and Recreation Commission to provide funding support for sewage pumpout or sewage dump devices at marinas and boat launches.

### Summary:

#### STREAMLINING BOATING LAWS

The boating laws are substantially revised and updated. The laws are applicable to "vessels" which is broadly defined to include most types of watercraft. Definitions are consolidated.

#### MUFFLER DEVICES

Most motor-driven vessels must have a muffler sufficient to muffle sound within specified levels. The maximum sound level for stationary vessels is 90 decibels. However for vessels manufactured after 1994, the maximum stationary sound level is reduced to 88 decibels. The maximum sound level for moving vessels is 75 decibels, measured from the shoreline. Local governments may adopt more stringent regulations.

#### OVERLOADING, OVERPOWERING AND FLOTATION DEVICES

New safety rules are provided for overloading and overpowering of vessels. These rules prohibit loading or powering of vessels beyond safety limits, taking into consideration weather and existing operating conditions. Generally, it is an infraction to violate these rules.

Personal flotation devices are required for all vessels. Generally, it is an infraction to violate the rules on personal flotation devices. However, it is a misdemeanor to violate rules relating to personal flotation devices which apply to water skiers, personal watercraft, and vessels carrying paying passengers.

#### EQUIPMENT VIOLATIONS/RECKLESS OPERATION

All equipment violations are classified as infractions, except where a statute provides otherwise. Both the operator and an owner who permits the operation of a vessel will be liable for infractions involving equipment violations.

New misdemeanor crimes are created for reckless operation of a vessel and for violation of new safety rules governing personal watercraft.

#### VIOLATION OF BOATING LAWS

As noted above, violation of many boating laws is considered an infraction. In addition, the following violations are decriminalized and classified as civil infractions: (1) violation of most provisions governing required vessel equipment, including, but not limited to lights and mufflers; (2) negligent operation of a vessel; and (3) failure to comply with the "observer" and "flag" provisions applicable to water skiing.

However, if an offender has more than two violations of the same provision during the same year, then the third and any subsequent violations during that year will be punishable as a misdemeanor.

#### REGISTRATION FEES

For registrations in effect after June 30, 1994, the vessel registration fee is increased to \$10.50 per year. A local government receiving a share of the registration fee revenues is required to deposit its share in a local account dedicated solely for boating safety and may not use funds in the account to supplant existing local funds for boating safety.

Effective June 30, 1994, the law authorizing counties to impose a vessel excise tax is repealed.

#### SEWAGE FACILITIES

In providing funding support for sewage pumpouts or dump devices at marinas and boat launches, the Parks and Recreation Commission is directed to seek the most cost-efficient and accessible facilities possible for reducing the amount of boat waste entering the state's waters and to consider providing funding support for portable pumpout facilities.

#### Votes on Final Passage:

House	95	0	
Senate	39	8	(Senate amended)
House	96	1	(House concurred)

Effective: July 25, 1993

June 30, 1994 (Section 41)

June 30, 1994 (Section 38 for vessel registrations in effect after June 30, 1994)

## ESHB 1320

C 36 L 93

Modifying the forest fire protection assessment.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Pruitt and R. Johnson).

House Committee on Natural Resources & Parks

House Committee on Revenue

Senate Committee on Natural Resources

Senate Committee on Ways & Means

**Background:** The Department of Natural Resources (DNR) provides fire protection for much of the non-federal forest land in Washington. Most landowners of parcels receiving DNR fire protection pay an annual assessment of \$0.22 per acre, or a minimum assessment of \$14 per year. However, landowners of parcels of two acres or less receive DNR fire protection at no cost. The department estimates that there are some 430,000 of these small forest land parcels. Assessments for fire protection are deposited



**HB 1324**

C 79 L 93

into the Forest Fire Protection Account. This account is not subject to legislative appropriation.

In addition to paying an assessment for fire protection, most forest landowners also pay into the Landowner Contingency Forest Fire Suppression Account. Moneys in this non-appropriated account are used to pay emergency fire suppression costs for fires caused by landowner operations. The department adjusts the assessment annually to maintain a fund balance of \$3 million dollars; by law, the assessment may not exceed \$0.15 per acre per year. Currently the assessment is \$0.01 to \$0.02 per acre per year. As with the fire protection assessment, forest landowners of parcels of two acres or less are not charged this assessment.

The forest fire protection assessments and the fire suppression assessments are collected by county assessors at the same time and in the same manner that property taxes are collected.

**Summary:** The exemption from the fire protection assessment is removed for forest landowners with parcels of two acres or less. Forest landowners with parcels of 50 acres or less will pay the minimum, flat fee assessment of \$14.50 per year. Landowners with parcels greater than 50 acres will pay the flat fee assessment plus \$0.22 per acre for every acre over 50 acres. The department estimates that this change will generate approximately \$6 million per year. However, the department estimates that only \$3 million will be generated in the first year following the change because of the difficulty in clearly identifying all of the estimated 430,000 small parcels in time for the mailing of property taxes.

The exemption from paying into the fire suppression account is also removed for forest landowners with parcels of two acres or less. The department may establish a flat fee assessment for forest landowners with parcels of 50 acres or less. Landowners with parcels larger than 50 acres may be charged the flat fee assessment plus a per acre assessment for each acre over 50 acres. The department may adjust this assessment annually in order to maintain a fund balance of \$3 million.

Fifty cents is added to the current law minimum fee assessment of \$14.00 for forest fire protection. This \$0.50 per parcel is directed to the county collecting the assessment. The \$0.50 is to be used to defray the costs of listing, billing, and collecting the fire protection and fire suppression assessments.

**Votes on Final Passage:**

House 83 14  
Senate 38 7

**Effective:** April 15, 1993

Providing property tax exemptions for charitable fund-raising organizations.

By Representatives Cothem, Wood, G. Cole, Horn, Wang, Brumsickle, Ogden, Miller, Leonard, Brough, J. Kohl, Ludwig, Dellwo, Kremen, Basich, Jones, Chappell, Shin, Johanson, Rayburn and Mielke.

House Committee on Revenue  
Senate Committee on Ways & Means

**Background:** The property of nonprofit charitable organizations is generally exempt from property tax if the property is used for a charitable purpose. Nonprofit organizations that raise money for nonprofit charitable organizations are not exempt from property tax.

**Summary:** The property of certain volunteer nonprofit charitable fund-raising organizations is exempt from property tax. To qualify for the exemption the organization must:

- (1) be organized for nonsectarian purposes;
- (2) be affiliated with a state or national organization;
- (3) possess an exemption under Internal Revenue Code section 501(c)(3);
- (4) be governed by a volunteer board of directors; and
- (5) use the gifts, donations, and grants for character-building, benevolent, protective, or rehabilitative social services for persons of all ages or distribute the gifts, donations, or grants to at least five other nonprofit nonsectarian organizations that provide character-building, benevolent, protective, or rehabilitative social services for persons of all ages.

**Votes on Final Passage:**

House 94 1  
Senate 45 2

**Effective:** July 25, 1993

**SHB 1325**

C 304 L 93

Giving local governments the option to acquire services or goods under arrangements by state agencies.

By House Committee on Local Government (originally sponsored by Representatives Bray, Edmondson, Orr, H. Myers, Long and Springer).

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** The Department of General Administration is responsible for purchasing all materials, supplies, services, and equipment for all state institutions, institutions of higher education, and the offices of all elected and appointed state officers. This responsibility includes contracts

## ESHB 1326

for air service fares. Local governments are not authorized to participate in the air service fares contracts.

**Summary:** The Department of General Administration is required to develop a proposal to offer contracts for air service fares to local government employees at the best available rates. The department must consult with associations of local governments in the development of the proposal.

Elements that must be considered in the development of the proposal are: guidelines for predicting and reporting the volume, frequency, and destinations of air travel of local government employees; a cost-effective system for aggregating bookings, accounting, and payments for local government employee air travel; the most appropriate means for preparing invitations to bid to encourage use of bulk rates; establishment of a clearinghouse that is available to local government managers in planning air travel; and other services that will assist local governments in planning air travel.

The results of the consultation and progress on the proposal must be reported to the House Local Government Committee and Senate Governmental Operations Committee by December 15, 1993.

### Votes on Final Passage:

House	98	0	
Senate	47	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 25, 1993

## ESHB 1326

C 245 L 93

Relating to conservation tariffs allowing transfer of payment obligations to successive property owners.

By House Committee on Energy & Utilities (originally sponsored by Representatives Finkbeiner, Grant, Miller, Casada, R. Meyers, Ludwig, Heavey, Long and Johanson).

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

**Background:** The Utilities and Transportation Commission (UTC) regulates the rates charged by the utilities it regulates. The UTC is required to assure that rates charged are "fair, just, and reasonable." Utilities are required to charge the rates on file with the UTC. The UTC must also approve all contracts entered into between a regulated utility and its customers.

Regulated utilities are encouraged to invest in cost-effective conservation measures. The utilities have used a number of different approaches to implement these measures. In some instances, the utility, pursuant to an agreement with the customer, will install measures in a customer's property and have the customer pay for the measures over time, with either a no-interest or low-inter-

est loan. The utility may sometimes take out a lien on the property that has received the conservation measures.

The county auditor or recording officer is the officer who records documents that may affect the title to real property. Documents that may be recorded include liens, deeds of trust, or other documents required by law to be recorded.

There is currently no statutorily mandated form of disclosure as part of a real estate transaction. Real estate multiple listing agencies and state associations of real estate brokers and dealers have developed forms for their members to use during real estate transactions.

Title insurance is regulated by the State Insurance Commissioner. There are no statutory provisions relating to disclosures required in a title insurance policy.

**Summary:** The Legislature recognizes the importance of cost-effective energy conservation in assuring energy price stability and adequate supplies of energy. The Legislature declares its intent that utilities develop innovative approaches to promoting energy efficiency. The Legislature also declares its intent that information about energy efficiency tariffs on property should be made known to purchasers of real property.

An electric or gas utility regulated by the Utilities and Transportation Commission may file a tariff schedule with the commission to cover the costs of energy efficiency measures provided to individual property owners or customers. The utility must enter into an agreement with the customer to take advantage of the schedule. The customer may pay for the measures over a period of time. The tariff schedule may be applied to subsequent purchasers of the property. The electric utility must record a notice of the agreement with the county auditor or recording officer in the county in which the property is located. The UTC may require the company to notify property owners and customers of conservation tariffs.

The seller of real property on which a conservation tariff is in effect must disclose the existence of the tariff prior to closing a sale of the real property.

A title insurer may include an informational note disclosing the existence of the conservation tariff obligation. A title insurer is not liable for including or excluding the obligation in an informational note.

### Votes on Final Passage:

House	98	0	
Senate	46	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 25, 1993



**HB 1328**

C 191 L 93

Setting the minimum rate of compensation for certain salespeople.

By Representatives Heavey, Riley and King.

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

**Background:** Federal and state law require employers to pay overtime compensation to covered employees who work more than 40 hours in a work week.

Under federal law, salespersons are exempt from overtime requirements if they work for non-manufacturing businesses who primarily sell automobiles, trucks, farm implements, trailers, boats, or aircraft to ultimate purchasers.

Washington law exempts salespersons from overtime requirements only if the salesperson works primarily outside the employer's place of business. However, employers of commissioned salespersons who primarily sell automobiles and trucks to the ultimate purchaser do not violate state overtime compensation requirements if the salespersons are paid the greater of (1) compensation at an hourly rate, not less than the state minimum wage, for hours up to 40 hours per week, plus overtime at one and one-half times the hourly rate, or (2) commissions, salaries, or salaries plus commission.

**Summary:** Employers of commissioned salespersons who primarily sell recreational vessels or vessel trailers, recreational vehicle trailers, recreational campers, or manufactured housing to the ultimate purchaser do not violate state overtime compensation requirements if the salespersons are paid the greater of (1) compensation at an hourly rate, not less than the state minimum wage, for hours up to 40 hours per week, plus overtime at one and one-half times the hourly rate, or (2) commissions, salaries, or salaries plus commission.

**Votes on Final Passage:**

House	96	1
Senate	42	0

**Effective:** July 25, 1993

**ESHB 1333**

**PARTIAL VETO**

C 497 L 93

Providing for youth gang violence reduction.

By House Committee on Trade, Economic Development & Housing (originally sponsored by Representatives Flemming, Leonard, Veloria, Chappell, R. Fisher, Dunshee, Linville, Eide, Franklin, Ludwig, Roland, Rayburn, Pruitt, Finkbeiner, Holm, Basich, Lemmon,

Johanson, Karahalios, Jones, H. Myers, Morris, L. Johnson, Ogden and J. Kohl).

House Committee on Trade, Economic Development & Housing

House Committee on Appropriations  
Senate Committee on Health & Human Services  
Senate Committee on Ways & Means

**Background:** The problem of youth gang violence has increased in recent years. Local law enforcement agencies and school districts are working to address the problem of youth gang activity and violence on the streets and in the schools. Most efforts to control gang activity have focused on law enforcement responses; there have been only a few efforts aimed at gang prevention or intervention.

**Summary:** A Gang Risk Prevention and Intervention Pilot Program is created. The state may provide grants or technical assistance to local school districts or community organizations to reduce the probability of youth gang activities at the local level.

The Department of Community Development (DCD) may recommend funding of existing programs or contract with school districts or community organizations to develop community-based gang risk prevention and intervention programs at the local level. A school district's proposal must be for a two-year period and include: a description of program area; demonstration of broad-based business and community support; qualifications of community organizations; description of program goals, activities, curriculum; and proposed budget for expenditure of grant funds. School districts or individual schools may not use grant funds for their administrative costs.

The local programs must contain: counseling for at-risk students and their families, exposure to sports and cultural activities, job training and apprenticeship programs, positive interaction with local law enforcement personnel, use of local organizations for job search training skills, cultural awareness retreats, community service activities, and use of full service schools.

A school district in a county with a population in excess of 190,000 may subcontract with public entities and individual schools or community organizations to establish gang risk prevention and intervention programs. Proposals for contracts must be reviewed and a recommendation made by a committee consisting of a representative from the school district, a representative appointed by DCD, and a representative from the local juvenile court administration. School districts must monitor and evaluate the funded local pilot programs. School districts or individual schools may not use grant funds for their administrative costs.

When requested, state agencies are authorized to provide the following assistance to local community organizations or school districts in counties with a population in excess of 190,000:

The Employment Security Department may provide a job counselor to assist in the cultural awareness retreats.

## ESHB 1338

The services of the job counselor include testing for job occupation preferences, providing information on various occupations, establishing a business mentor program between businesses and youth, and other services as needed.

The Department of Labor and Industries may provide: information on skills and educational background needed for apprenticeship programs, assistance to program participants applying for apprenticeship programs, feasibility of pre-apprenticeship programs, assistance in establishing a joint apprenticeship mentor program, and assistance at cultural awareness retreats.

The Division of Juvenile Rehabilitation (DJR) must, in cooperation with businesses, or under an interagency agreement with the State Parks and Recreation Commission or the Department of Natural Resources, provide facilities for cultural awareness retreats. DJR may provide other services including a person with knowledge of juvenile gang behavior. DJR must notify the departments of Labor and Industries and Employment Security of the date, time, and place of the retreat.

### Votes on Final Passage:

House	98	0	
Senate	49	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 25, 1993

**Partial Veto Summary:** The veto removes the provision that allows local school districts, in counties with populations in excess of 190,000, to directly fund local youth gang violence reduction programs in individual schools. The veto also removes the requirement that the Department of Community Development, the Department of Labor and Industries, the Employment Security Department, the Superintendent of Public Instruction, and the Division of Juvenile Rehabilitation provide specialized services to school districts that participate in the youth gang violence reduction program.

### VETO MESSAGE ON ESHB 1333

May 18, 1993

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen

I am returning herewith, without my approval as to sections 5, 7, 8, 9, and 10, Engrossed Substitute House Bill No. 1333 entitled:

"AN ACT Relating to youth gang violence reduction;"

I applaud the legislature for its efforts to address growing youth violence and gang activity by funding locally-based programs to intervene to reduce the violence that is creating so much suffering for local communities and young people. I am enthusiastic about the local programs that would be initiated as a result of this legislation. I am convinced that early intervention, with the active involvement of local schools, community groups and parents, has the best chance to help respond to these problems. However, I am concerned that conflicting and overly prescriptive language in some sections of the legislation will make the task of implementing the legislation more difficult.

I am vetoing section 5 of the legislation, which defines a process for funding local projects through local school districts because

the section conflicts with provisions of section 4 which also provides for funding of local projects through grants from the state Department of Community Development. While I am vetoing this section, I agree with the legislature that active involvement of local schools districts can be extremely helpful in establishing successful local youth violence prevention projects. As a result, I am directing the Department of Community Development to work to develop a funding process that actively involves local school districts, consistent with the spirit of section 5.

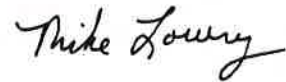
I am vetoing sections 7, 8, and 10 of the legislation because the sections are overly prescriptive in their requirements of the state agencies. The references in these sections referring back to section 5 also made the provisions less than clear. While I am vetoing these sections, I do believe that state agencies should cooperate with the local programs funded by this legislation. As a result, I am directing the Department of Community Development to work with other state agencies to develop a plan for state agency collaboration to assist local programs funded under this section.

I am vetoing section 9 of this legislation because the provision is not clear enough to implement effectively. I believe that the concept of the full-service school, in which a local school would serve as a focal point for local community activities, is a promising one. I encourage the legislature and proponents of this provision to address the issue at greater length in a future session.

For these reasons, I have vetoed sections 5, 7, 8, 9 and 10 of Engrossed Substitute House Bill No. 1333.

With the exception of sections 5, 7, 8, 9, and 10, Engrossed Substitute House Bill No. 1333 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

## ESHB 1338

C 128 L 93

Prohibiting interference with access to or from a health care facility.

By House Committee on Judiciary (originally sponsored by Representatives Thibaudeau, Appelwick, Ballasiotes, H. Myers, Flemming, Dyer, Eide, Cooke, Zellinsky, Johanson, Romero, Forner, Reams, Rust, Schmidt, Riley, Dunshee, Brough, Ogden, J. Kohl, Locke, Anderson, Ludwig, Edmondson, Horn, Heavey, Cothorn, R. Johnson, King, Veloria, Rayburn, Bray, Orr, Pruitt, Karahalios, Lemmon, Carlson, Kessler, Wolfe, R. Fisher, Hansen, Jacobsen, Morris, Quall, Franklin, L. Johnson, Leonard, Jones, Valle, G. Cole, Holm, Wang, Grant, Dorn, Sheldon, Sommers, Miller, Finkbeiner, Brown, Scott, Roland, Shin, R. Meyers, Springer, Basich, Campbell, Wood, Long, Wineberry and Dellwo).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** In recent years, contentious and sometimes long running demonstrations have been conducted at



health care facilities in this state and elsewhere. Usually, these demonstrations have been at facilities that perform abortions. These demonstrations have ranged from peaceful picketing to physical confrontations between demonstrators and health care personnel or their patients.

In some instances, these demonstrations may lead to criminal prosecutions for crimes such as assault, trespass or disorderly conduct. Civil lawsuits may also be filed, sometimes resulting in the issuance of restraining orders against further demonstrations.

A 1986 Washington Supreme Court decision, Bering v. Share, generally upheld the issuance of a permanent injunction against a group who had demonstrated at a health care center in Spokane. The center offered a variety of health care services, including abortion. The injunction prohibited several activities, including: (1) picketing, demonstrating or counseling at the center, except at designated locations; (2) threatening, assaulting, intimidating or coercing anyone entering or leaving the center; (3) interfering with ingress or egress at the center or its parking lot; (4) trespassing on the premises; (5) engaging in any unlawful activity directed at the center's doctors or patients; and (6) making specific oral statements.

The state Supreme Court concluded in a six-to-three opinion that these restrictions on First Amendment rights of speech were justified by the state's compelling interest in assuring reasonable access to health care for its citizens. The dissenters would have held unconstitutional those portions of the injunction that limited the demonstrators to one side of the center's property and that prohibited specific oral statements.

In some cases, health care providers have sought injunctive relief from demonstrations under federal civil rights legislation. However, in a split decision in Bray v. Alexandria Women's Health Clinic, the United States Supreme Court held that the Civil Rights Act of 1871 does not afford grounds for injunctive relief in federal courts against health care facility demonstrators.

**Summary:** Criminal and civil sanctions are imposed for certain activities that interfere with access to a health care facility, or that disrupt the normal functioning of the facility.

Prohibited activities include reckless interference or disruption by:

- (1) physically obstructing or impeding access;
- (2) making noise that unreasonably disturbs;
- (3) trespassing;
- (4) telephoning the facility repeatedly; or
- (5) threatening injury to persons or property.

However, an exception from these prohibitions is provided for "lawful picketing or other publicity for the purpose of providing the public with information."

The crime of engaging in any of the prohibited activities is a gross misdemeanor, with a maximum penalty of one year in jail and a \$5,000 fine. Minimum penalties are also provided. For a first offense the minimum penalty is

one day in jail and a \$250 fine; for a second offense, seven days in jail and a \$500 fine; and for a third offense, 30 days in jail and a \$1,000 fine.

Police officers are given the authority to arrest a person without a warrant and without having witnessed the crime, if there is probable cause to believe the person committed the crime within the past 24 hours.

A party "aggrieved" by a violation of this act may bring a civil lawsuit. Aggrieved parties may include persons whose access is impeded or whose care is disrupted at a facility, as well as the facility and its employees.

A defendant in a civil suit may be liable without having been convicted in a criminal prosecution. An individual plaintiff may recover actual damages plus punitive damages of \$500 per day for each day of violation. A health care facility plaintiff may recover actual damages plus punitive damages of \$5,000 per day. The prevailing party in a civil suit is entitled to costs and attorneys' fees.

Courts are authorized to grant injunctive relief, and state and local governments are directed to cooperate in the enforcement of injunctions.

Courts are directed to "take all steps reasonably necessary" in protecting the privacy of patients and health care providers.

Criminal justice agencies are directed to release to civil litigants any information they may have about violations of the act, including photographs, unless the release would jeopardize a criminal investigation.

#### Votes on Final Passage:

House	84	14	
Senate	33	13	(Senate amended)
House	81	14	(House concurred)

Effective: April 26, 1993

## SHB 1343

C 144 L 93

Allowing the reduction in sentences of battered women convicted of murder prior to July 23, 1989.

By House Committee on Corrections (originally sponsored by Representatives Morris, Ballasiotes, Brough, Leonard, Heavey, Scott, G. Cole, R. Fisher, Kremen, Long, Rust, Carlson, Veloria, Dellwo, Karahalios, Wang, Grant, Jones, Wolfe, Franklin, Former, Jacobsen, Appelwick, Campbell, H. Myers, Kessler, Springer, Miller, Locke, Roland, Valle, Basich, Wood, Quall, King, Johanson, Hansen, L. Johnson, Ogden, J. Kohl, Wineberry and Anderson).

House Committee on Corrections  
Senate Committee on Law & Justice

**Background:** The Sentencing Reform Act requires judges to sentence a convicted defendant to the standard range for the offense committed unless the court finds that mitigating or aggravating factors justify a sentence outside the standard range. The 1989 Legislature enacted a statute that

## HB 1344

allows a convicted defendant to receive a mitigated exceptional sentence below the standard range, if the victim subjected the defendant or the defendant's children to a continuing pattern of physical or sexual abuse and the defendant committed the offense in response to the abuse. This statutory change is not retroactive and applies only to offenses occurring after the implementation date of July 23, 1989.

Individuals who murdered their spouses or partners prior to the July 23, 1989 effective date, where mitigating circumstances may have been present due to a continuing pattern of physical or sexual abuse that led to the crime, may not have had the pattern of abuse considered at the time of sentencing.

Some offenders were sentenced prior to July 1, 1984 and are under the jurisdiction of the Indeterminate Sentence Review Board. Others were sentenced under the Sentencing Reform Act after July 1, 1984, but before July 23, 1989, when the mitigating circumstances were enacted into law. The Indeterminate Sentence Review Board makes decisions about parole eligibility for offenders under its jurisdiction.

**Summary:** A procedure is established for a convicted murderer to apply to have his or her sentence reduced using certain mitigating factors. The petitioner must allege that the murder was committed in response to the victim's continuing pattern of physical or sexual abuse toward the petitioner or the petitioner's children. The petitioner must also allege that the sentencing court did not consider the mitigating evidence for purposes of establishing the original sentence.

Petitions for reduction of sentences are made to the Indeterminate Sentencing Review Board. If the offender is under the board's jurisdiction, the board may reduce the offender's minimum term and set an earlier parole eligibility date. If the offender was sentenced under the Sentencing Reform Act, the board will review the case and make a recommendation to the sentencing court for a reduction in the offender's sentence.

In its review, the board must find that the offender would have been eligible for a reduced sentence below the sentence originally imposed if the mitigating factor had been available for consideration by the court.

Inmates may petition the board by letter. The petitions are due October 1, 1993. The board may reset the minimum term and parole eligibility date of a petitioner convicted and sentenced before July 1, 1984, who is under its jurisdiction. The board must complete its review of the petitions submitted by inmates sentenced after July 1, 1984 and submit recommendations to the sentencing courts or their successors by October 1, 1994. The court must render its decision regarding reducing the inmate's sentence no later than six months after receiving the Indeterminate Sentencing Review Board's recommendation to reduce the sentence imposed.

The board is directed to solicit recommendations from the prosecuting attorneys of the counties where the petitioners were convicted, and to accept input from other interested parties, i.e., defense attorneys. The court may consider any other recommendations and evidence concerning the issue of whether the defendant committed the crime in response to abuse.

### Votes on Final Passage:

House	95	3
Senate	46	0

Effective: April 30, 1993

## HB 1344

C 246 L 93

Altering vehicle axle restrictions.

By Representative Jones.

House Committee on Transportation  
Senate Committee on Transportation

**Background:** The legal load limit for a single axle is 20,000 pounds and 34,000 pounds for a tandem axle. The two axles in tandem must be less than seven feet apart, and the weight differential between the two axles cannot exceed 3,000 pounds. Example: In a tandem, the weight may be 18,500 pounds on one axle and 15,500 on the other axle for a total of 34,000 pounds. A variable lift axle is exempt from the spacing and variance requirement as it is usually a two-tired axle with a tire capacity of 10,000 to 12,000 pounds.

The reason for the 3,000 pound variance is to distribute the weight more evenly among the axles. If the 3,000 pound weight differential were removed, the maximum gross weight of the tandem would remain at 34,000 pounds.

**Summary:** The 3,000 pound variance on a tandem axle is removed. In a tandem combination, the maximum weight remains 20,000 pounds on a single axle, and 34,000 pounds on a tandem.

### Votes on Final Passage:

House	96	0
Senate	40	0

Effective: July 25, 1993

## HB 1346

C 450 L 93

Repealing enforcement and right of action provisions for family leave.

By Representatives G. Cole, Heavey, King, Veloria, Holm, J. Kohl, Brough, Sommers, Zellinsky, R. Fisher, Wang, Ogden, Wolfe, Valle, Riley, H. Myers, Wood, Jones, Leonard, Karahalios and Wineberry.



**Background:** In 1989, Washington adopted a family leave law that applies to private and local government employers of 100 or more employees and to the state. The law entitles a covered employee up to 12 weeks of unpaid leave in a 24-month period to care for a newborn child, an adopted child under age six, or a child up to age 18 who has a terminal health condition. Under the family leave law, an employee does not have a private right of action for any alleged violation of the family leave chapter.

The family leave law requires the Department of Labor and Industries to cease enforcing the state's family leave law on the effective date of any federal law that the department determines, with consent of the Legislative Budget Committee, to be substantially similar to the state's law.

Effective August 4, 1993, the federal family leave law will require all employers of 50 or more employees to grant covered employees up to 12 weeks of unpaid leave in any 12-month period to care for a newborn, adopted, or foster child, to care for a spouse, child, or parent with a serious health condition, or because of the employee's own serious health condition.

**Summary:** The provisions of the Washington family leave law are repealed that:

- (1) direct the Department of Labor and Industries to cease enforcement of the state family leave law on the effective date of any federal family leave law that the department determines, with consent of the Legislative Budget Committee, to be substantially similar to the state's law, and
- (2) declare that an employee has no private right of action for alleged violations of the state family leave law.

**Votes on Final Passage:**

House 71 24  
Senate 36 13

Effective: July 25, 1993

**HB 1347**

C 80 L 93

Authorizing the department of agriculture to control diseases in alpacas and llamas.

By Representatives Former, Rayburn, Dyer, Thomas, Wood, Morton and Silver.

House Committee on Agriculture & Rural Development  
Senate Committee on Agriculture

**Background:**

**DEPARTMENT OF AGRICULTURE - DISEASE CONTROL**

State law grants the director of the Department of Agriculture general responsibility for the prevention of the spread of diseases affecting animals within, in transit through, and imported into the state. The disease control authorities of the director are exercised through the state veterinarian who is appointed by the director.

**AGRICULTURAL ENABLING ACTS**

The Agricultural Enabling Act of 1955 and the Agricultural Enabling Act of 1961 provide mechanisms for persons in various segments of the agricultural industry to establish commodity boards and commissions and marketing orders regulating the sale of their products. The range of agricultural products for which such boards and orders may be established is very broad.

**Summary:**

**DISEASE CONTROL**

The authority of the director of the Department of Agriculture to prevent, control, and suppress diseases in llamas and alpacas is the same as the director's authority regarding any other domestic animal. The authority of the Department of Wildlife does not extend to preventing, controlling, or suppressing diseases in these animals nor to controlling their movement or sale.

**COMMODITY BOARDS AND COMMISSIONS**

Llamas and alpacas are expressly designated as being animals for which marketing orders and a commodity board or commission may be established under the state's Agricultural Enabling acts.

**Votes on Final Passage:**

House 97 0  
Senate 45 1

Effective: July 25, 1993

**SHB 1350**

**PARTIAL VETO**

C 376 L 93

Requiring pink shrimp endorsements.

By House Committee on Fisheries & Wildlife (originally sponsored by Representatives King, Fuhrman, Basich, Wood, Orr, Tate, Johanson and Foreman).

House Committee on Fisheries & Wildlife  
House Committee on Appropriations  
Senate Committee on Natural Resources

**Background:** Entry into several commercial fisheries in Washington is restricted by statute. The harvest of ocean pink shrimp is not subject to any limitations in Washington. Since the actual harvest occurs in the ocean outside of Washington waters, the state does not issue licenses for harvest. However, a shellfish delivery license is required to land shrimp, as well as all other commercially harvested shellfish, in Washington.

In 1979 the Oregon Legislature, in response to concerns about potential overcapitalization of the pink shrimp fishery and resource exploitation, limited the number of vessels that could land pink shrimp in Oregon. There is concern on the part of the pink shrimp industry that the potential for overcapitalization and resource exploitation still exists without a comparable limitation in Washington.

**Summary:** After December 31, 1993, an ocean pink shrimp delivery license or ocean pink shrimp single delivery license is required to deliver pink shrimp caught in offshore waters to a port in Washington State. The annual license fee for an ocean pink shrimp delivery license is \$150 for residents and \$300 for nonresidents, and this license is transferable. The license fee for an ocean pink shrimp single delivery license is \$100. The Department of Fisheries will issue an ocean pink shrimp delivery license to a vessel that:

- (1) landed 5,000 pounds of pink shrimp in Washington in any one year between January 1, 1983 and December 31, 1992;
- (2) possessed one of the following licenses each year since the most recent landing:
  - (a) a Washington delivery permit or delivery license or an other than Puget Sound trawl license;
  - (b) an Oregon vessel permit; or
  - (c) a California trawl permit;
- (3) was in the process on December 31, 1992, of constructing a vessel for the purpose of ocean pink shrimp harvest. A license issued in this instance would expire on December 31, 1994, unless the vessel lands 5,000 pounds of pink shrimp into Washington ports prior to that date; or
- (4) is a replacement vessel for a vessel otherwise eligible for an ocean pink shrimp delivery license.

After December 31, 1994, an ocean pink shrimp delivery license may only be issued to a vessel that held an ocean pink shrimp delivery license in 1994 and each year thereafter. If the failure to hold a license in any given year was the result of a license suspension, the vessel may qualify if the vessel held an ocean pink shrimp delivery license in the year immediately preceding the year of the suspension.

If the license is transferred to another vessel, the license history will also be transferred.

The director of the Department of Fisheries is directed to appoint a three-member advisory review board consisting of members of the commercial ocean pink shrimp industry to hear cases involving parties aggrieved under the ocean pink shrimp delivery license eligibility provisions. The director may reduce but may not waive landing requirements for pink shrimp if the advisory review board so recommends based on extenuating circumstances, which are to be defined by rule of the director.

The owner of an ocean pink shrimp fishing vessel that does not qualify for an ocean pink shrimp delivery license must obtain an ocean pink shrimp single delivery license in order to make a landing into a state port of ocean pink shrimp taken in offshore waters. A single delivery license may only be issued if a bona fide emergency exists. A maximum of six ocean pink shrimp single delivery licenses may be issued annually to any vessel.

**Votes on Final Passage:**

House	97	0	
Senate	46	0	(Senate amended)
House			(House concurred in part)
House			(House refused in part)
Senate	48	0	(Senate receded in part)

**Effective:** January 1, 1994

**Partial Veto Summary:** The veto deletes a section that specifies the RCW chapter where various sections of the bill are to be placed.

**VETO MESSAGE ON SHB 1350**

May 15, 1993

*To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen*

*I am returning herewith, without my approval as to section 11 of Substitute House Bill No. 1350, entitled:*

*"AN ACT Relating to commercial shrimp fishing licenses."*

*Section 11 requires Sections 2 and 4 through 8 of this act to be codified in the Commercial Fishing chapter (75.28 RCW) of the Revised Code of Washington. However a number of these sections should be codified in the License Limitation chapter (75.30 RCW) of the Revised Code of Washington. I am therefore vetoing Section 11 and directing the Code Reviser to codify sections 2 and 4 in chapter 75.28 RCW and sections 5 through 8 in chapter 75.30 RCW.*

*With the exception of section 11, Substitute House bill No. 1350 is approved.*

*Respectfully Submitted,*



*Mike Lowry  
Governor*

**HB 1351**

C 158 L 93

Defining hospital in regard to self-insurers.

By Representatives Veloria, Heavey, King and Lisk; by request of Department of Labor & Industries.

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

**Background:** Under the state industrial insurance system, hospital employees may be covered through one of two self-insurance groups, one for public hospitals and one for private hospitals. The definition of "hospital" for the purpose of authorizing these groups refers to a statute that was repealed in 1990 with the sunset of the Washington State Hospital Commission.

**Summary:** The authority for hospitals to form industrial insurance self-insurance groups is amended by deleting the reference to a repealed definition of "hospital." A new definition is added that includes hospitals under the hospital licensing statute and hospitals regulated as psychiatric



hospitals, but excludes beds used by a comprehensive cancer center for cancer research. A reference is deleted that limited the self-insurance group for private hospitals to not-for-profit hospitals.

**Votes on Final Passage:**

House 97 0  
Senate 42 0

Effective: July 25, 1993

**SHB 1352**

C 159 L 93

Revising provisions for fee schedules for industrial insurance medical aid.

By House Committee on Commerce & Labor (originally sponsored by Representatives Veloria, G. Cole and Franklin; by request of Department of Labor & Industries).

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

**Background:** The Department of Labor and Industries is authorized to adopt rules establishing fee schedules governing maximum payment for medical services provided to injured workers. Medical providers covered by the schedules include physicians, hospitals, pharmacies, and other providers. The department or self-insured employer may only pay those charges that conform to the fee schedule.

The schedules are based on approximately 14,000 Physicians' Current Procedural Terminology codes that are updated annually by the American Medical Association. To change the fee schedule under the state's Administrative Procedures Act, the department must conduct a public hearing after giving 20 days notice of the hearing on the proposed rule changes. The new rules may not become effective sooner than 30 days after the final rules are filed with the Code Reviser's Office.

**Summary:** The requirements are changed for adopting medical fee schedules by the Department of Labor and Industries. The fee schedules may be changed periodically at the discretion of the director, after consultation with interested persons. The department must coordinate the schedules with other agencies for consistency and uniformity where possible. The fee schedule must be made available. The establishment of a fee schedule, except for the schedule's conversion factors, is not agency action or an administrative rule as defined in the Administrative Procedures Act.

Fees and medical charges relating to the treatment of injured workers must conform with the fee schedules the department establishes under the new procedures.

Technical changes are made in the references to medical bills and medical charges to conform with the new requirements for establishing fee schedules.

**Votes on Final Passage:**

House 64 33  
Senate 46 0

Effective: July 25, 1993

**EHB 1353**

C 168 L 93

Regulating asbestos disease benefits claims.

By Representatives G. Cole, Franklin, Heavey and King; by request of Department of Labor & Industries.

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

**Background:** In 1988, the Legislature enacted a program authorizing the Department of Labor and Industries to pay industrial insurance benefits to workers who may have claims under the federal maritime laws because of asbestos-related disease if: (1) there are objective clinical findings to substantiate a claim for asbestos-related occupational disease; and, (2) the worker's employment history shows injurious exposure to asbestos while working in employment covered under state law. The department makes the determination of insurer liability and pays benefits until the liable insurer begins payments or benefits are otherwise properly terminated. Benefits are paid from the medical aid fund with the state fund and the self-insured employers each paying a pro rata share. Employees of the self-insurers pay one-half of the share charged to self-insurers.

If the department determines that the liable insurer is the state fund or a self-insured employer, the medical aid fund is immediately reimbursed for costs and benefits paid to the claimant. If the department determines that benefits are owed to the claimant by a federal program or by an insurer under the federal maritime laws, the department is authorized to pursue the federal insurer on behalf of the claimant to recover the benefits due and, on its own behalf, to recover costs and benefits paid.

The provisions authorizing benefits do not apply if the worker or beneficiary refuses to assist the department in making a coverage determination. If the worker or beneficiary fails to provide relevant information or if the worker refuses to submit to medical examination or fails to cooperate with an examination, the department must reject the claim application.

The program terminates July 1, 1993.

**Summary:** The July 1, 1993, expiration date for the Asbestos-Related Disease Program is deleted, making the program permanent.

The Department of Labor and Industries' authority to reject an application for benefits under the program is amended to add an additional reason for rejection. The department must reject an application if the worker does

## HB 1355

not cooperate with the department in pursuing benefits from the federal program insurer.

The attorney general is authorized to appoint special assistant attorneys general to prosecute asbestos-related claims against federal program insurers that the department determines are liable for benefits. The attorney general will specify procedures to be used by private attorneys who wish to be listed as available for appointment. Attorney fees for these prosecutions will be paid in conformity with applicable federal and state law. Any legal costs remaining as an obligation of the department will be paid from the medical aid fund.

The bill applies to all claims without regard to the date of injury or of filing the claim.

### Votes on Final Passage:

House	93	0
Senate	32	5

Effective: July 1, 1993

## HB 1355

C 247 L 93

Increasing nonvoter-approved debt limit for metropolitan park districts.

By Representatives R. Fisher, Brough, R. Meyers, Edmondson, H. Myers and Van Luven.

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** Metropolitan park districts are special districts authorized to provide park and recreation facilities and to finance their activities and facilities by imposing nonvoter approved regular property taxes of up to 75 cents per \$1,000 of assessed valuation.

A metropolitan park district may incur nonvoter-approved general indebtedness, and issue general obligation bonds, in an amount equal to one-eighth of 1 percent of the value of taxable property in the district.

**Summary:** The amount of nonvoter-approved general indebtedness that a metropolitan park district may incur is increased from an amount equal to one-eighth of 1 percent to an amount equal to one quarter of 1 percent of the value of taxable property in the district.

### Votes on Final Passage:

House	95	2
Senate	37	9

Effective: July 25, 1993

## SHB 1356

C 305 L 93

Modifying penalties and compliance for public water systems.

By House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Roland and Valle; by request of Department of Health).

House Committee on Environmental Affairs  
Senate Committee on Ecology & Parks

**Background:** Under current state law, the Department of Health and local health departments have regulatory authority over public water systems. A public water system is any system with two or more connections.

The department may assess a penalty of not less than \$500 and not more than \$5,000 against a person who does not comply with a department order to stop work on a public water system, who fails to eliminate a cross connection, or who continues to violate any other rule of the department. The penalty is imposed in writing by the department. The person against whom the penalty is imposed may request mitigation or remission of the penalty within 14 days after the notice of penalty is sent. The person may also file a request for an adjudicative proceeding to be conducted under the Administrative Procedures Act.

The attorney general may bring an action to collect a penalty which has been assessed by the department.

The Department of Health may delegate enforcement authority, including the authority to assess penalties, to local health departments. Penalties collected by local health departments are deposited in the general fund of the local government.

There is currently no explicit authority for the department to enter the premises of a public water system to carry out an inspection or to request a search warrant if the system owner refuses the department access to the system premises. A number of other state agencies do have explicit authority to conduct inspections and request search warrants when necessary to conduct inspections.

**Summary:** The Department of Health may impose a maximum penalty of \$5,000 for violation of its rules or statutes relating to public water systems. There is no minimum penalty. If the violation creates a public health emergency, the maximum penalty is \$10,000.

Construction, alteration, or expansion of a public water system without department approval may result in a penalty of not more than \$5,000 per service connection. If the system serves a transient population, such as a hotel or motel, the penalty may be a maximum of \$400 per person served by the system. Under either of these circumstances, the total penalty that may be imposed may not exceed \$500,000.

The department must seek an informal resolution before it may impose a monetary penalty for violations that do not involve a public health emergency.



The existing procedure for a mitigation hearing prior to an adjudicative proceeding is eliminated.

A person who fails to pay penalties is subject to interest charges at the rate of 1 percent for each month the penalty remains unpaid after the final administrative order has been issued.

If the final administrative order is not appealed to superior court, the department may file the order with the clerk of the superior court and request that judgment be rendered in favor of the department for the amount of the penalty.

In addition to their existing authority to impose civil penalties, local health departments may also collect civil penalties.

The department, and local health departments which have been delegated enforcement powers, may enter upon the premises of a public water system to determine the system's compliance with state law. Prior notice must be given to the water system, unless the inspection is to ensure compliance with a prior order of the department or in response to a serious public health emergency. The department may also request an administrative search warrant from a court of competent jurisdiction.

**Votes on Final Passage:**

House	95	2	
Senate	28	18	(Senate amended)
House	93	2	(House concurred)

Effective: July 25, 1993

**SHB 1357**

C 306 L 93

Modifying certification of public water supply system operators.

By House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Roland and Valle; by request of Department of Health).

House Committee on Environmental Affairs  
House Committee on Appropriations  
Senate Committee on Ecology & Parks

**Background:** Public water systems having 100 or more connections, or having 15 or more connections and using a surface water supply, must have a certified operator. The Department of Health and the Water and Wastewater Operator Certification Board of Examiners oversee the operator certification process. Fees for operator certification are established by the Department of Health based on the cost to the department of running the certification program. Operator certification fees are deposited in the general fund.

**Summary:** The Waterworks Operator Certification Account is established. All fees received by the Department of Health for water system operator certification are deposited in the account. The account is subject to appropriation.

The Department of Health may assess fees on public water systems, in addition to fees on certified operators, to

operate the water system operator certification program. The department shall establish two schedules of fees, one for applicants for certified operator and one for public water systems, to pay for the program.

**Votes on Final Passage:**

House	75	21	
Senate	31	16	(Senate amended)
House			(House refused to concur)
Senate	33	13	(Senate receded)

Effective: July 25, 1993

**SHB 1367**

C 377 L 93

Providing for mandatory election recounts.

By Representatives Jones, Reams and Kessler.

House Committee on State Government  
Senate Committee on Government Operations

**Background:** The state's Election Code permits a candidate for an office who failed to be nominated or elected to request that the votes be recounted. An officer of a political party may also request such a recount. Unless there is a change in outcome, such requested recounts are conducted on a fee-for-service basis.

The code requires that a recount be conducted, without charge to the parties involved, if the difference in the votes cast for the top two candidates is not more than 0.5 percent of the total number of votes cast for these candidates. If this difference is less than 0.25 percent of the total votes cast for these candidates, the recount must be conducted manually.

**Summary:** A mandatory recount need be conducted manually only if the difference in the vote totals for the top two candidates is less than 150 votes and also less than 0.25 percent of the total of the votes cast for both candidates.

However, the mandatory manual recount does not apply if the top two candidates request an alternative method. To do so, the candidates must file a signed statement requesting the alternative with the elections official for the office. The recount is to be conducted using the requested alternative if the alternative satisfies certain requirements.

**Votes on Final Passage:**

House	97	0
Senate	48	0

Effective: July 25, 1993

## SHB 1370

### SHB 1370

C 378 L 93

Regulating public works.

By House Committee on Commerce & Labor (originally sponsored by Representatives Ludwig, Heavey, Orr, Bray, Veloria, King and G. Cole).

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

**Background:** General contractors who bid on public works projects include in the bid the work to be done by subcontractors. These general contractors are usually not required to name the subcontractors whose estimate was incorporated into the bid or to use these subcontractors once the contract is awarded. The general contractor who is awarded the contract is not prohibited from finding subcontractors willing to do the contract work at a lower price than the price incorporated into the original bid.

**Summary:** An invitation to bid on a public works contract of \$100,000 or more must require, as part of the bid, the submission of the names of subcontractors with whom the prime contractor will contract to perform the categories of work listed in the bid. This requirement applies to subcontract amounts that are more than 10 percent of the contract price. Subcontractor names may also be submitted within 24 hours of the bid. Failure to name the subcontractors constitutes a nonresponsive bid.

**Votes on Final Passage:**

House	97	0
Senate	39	9

Effective: July 25, 1993

### ESHB 1372

C 406 L 93

Creating the government accountability task force.

By House Committee on State Government (originally sponsored by Representatives Pruitt, R. Fisher, Mielke, Sheldon, Dorn, Long, Veloria, Roland, Romero, Shin, R. Meyers, Finkbeiner, Jones, Dunshee, Jacobsen, Riley, Holm, Mastin, Kessler, Linville, Springer, Wolfe, Franklin, Kremen, Johanson, Karahalios, Flemming, Tate, L. Johnson, J. Kohl, Dellwo, G. Cole and Anderson; by request of State Auditor).

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

**Background:** Several state entities are responsible for conducting evaluations of state agencies and programs. The Legislative Budget Committee (LBC) conducts performance audits of state programs and agencies and makes recommendations to the Legislature to improve govern-

ment effectiveness and efficiency. The Office of Financial Management (OFM) provides budget planning and fiscal administration for executive branch agencies. The Efficiency and Accountability Commission conducts operational and organizational reviews of state agencies and programs. The State Auditor conducts financial audits of state agencies. The State Auditor is currently prohibited from conducting performance audits.

**Summary:** Each state agency is required to define its mission and establish measurable goals for achieving desirable results for those who receive its services. Each state agency is required to establish measurable, outcome-based objectives for each major program in its budget. The Office of Financial Management is required to develop a plan for using these objectives in the evaluation of agency performance.

The Office of Financial Management is required to develop a system of internal controls and internal audits as fiscal safeguards and to promote operational efficiency. Each agency is responsible for maintaining these internal controls, which will be used by the State Auditor in conducting financial examinations.

The State Auditor may conduct performance audits only as expressly authorized in the state biennial budget act. Where information relating to agency management or performance is discovered incidental to a financial audit, the State Auditor may report to the Legislature.

The Legislative Budget Committee may establish a biennial work plan for conducting agency program evaluations. The plan may include proposals to employ contract evaluators. The work plans will be sent to the appropriate legislative fiscal and policy committees.

**Votes on Final Passage:**

House	89	9
Senate	43	0

House	(House refused to concur)
Senate	(Senate refused to recede)

**Conference Committee**

Senate	43	0
House	98	0

Effective: July 25, 1993

### HB 1379

C 307 L 93

Making housekeeping changes in various service programs of the department of licensing.

By Representatives R. Fisher, Schmidt, Jones, Brumsickle, Horn, Quall, Brown, Brough, Orr and Wood; by request of Department of Licensing.

House Committee on Transportation  
Senate Committee on Transportation



**Background:** The Department of Licensing (DOL) Vehicle Services Division is comprised of Title and Registration Services, Dealer Services and Fuel Tax Services. This legislation proposes changes in several of the programs administered by Vehicle Services. The programs affected by the proposed changes are passenger vehicle titling and registration, vehicle dealer licensing, and the licensing of commercial motor vehicles.

**Summary:** The Department of Licensing and its agents are authorized to transmit certificates of title in electronic form.

The period of time for filing a claim for refund of license fee overpayments is extended from 13 months to 36 months. This brings the refund period for a license fee into conformance with the current refund period for the motor vehicle excise tax.

The period of time in which the Department of Licensing (DOL) must inspect a vehicle dealer at least once is extended from 32 months to 36 months.

Obsolete language regarding licensing of vehicle salespersons is deleted; the licensing of vehicle salespersons was discontinued in 1986.

The gross misdemeanor penalty for unlicensed dealer activity is brought into conformance with other gross misdemeanor penalties in statute.

Two sections of statute are recodified from the titling statutes to the vehicle dealer statutes.

The staggering of renewal periods for licensing of Washington-based motor vehicles and commercial trucks registered under the International Registration Plan is authorized.

The interest rate on delinquent taxes is changed from 12 percent per annum to 1 percent per month to bring this section of law into conformance with other tax laws.

A section dealing with dealer penalties and a section addressing quarterly payment of proportional registration licensing fees are repealed.

**Votes on Final Passage:**

House	97	0	
Senate	44	1	(Senate amended)
House			(House refused to concur)
Senate	42	0	(Senate receded)

**Effective:** July 25, 1993

**HB 1384**

C 308 L 93

Changing provisions relating to the permissibility of contracts between municipal officers and their spouses in cases where the spouse is a certificated or classified school district employee or a substitute teacher.

By Representatives Chandler, Hansen, Karahalios, Dorn, Brough and Foreman.

House Committee on Education  
Senate Committee on Education

**Background:** Current law permits second class school districts with fewer than 500 full time equivalent students to employ the spouse of an "officer" of the district as a substitute teacher, provided the board of directors has found a shortage of substitute teachers in the district. The terms of the contract must be commensurate with the pay plan or collective bargaining agreement operating in the district.

"Officer" is defined to include all elected and appointed officers of the district, together with all deputies and assistants of such an officer, and all persons exercising any of the powers or functions of a district officer.

Some larger school districts have reported difficulties finding qualified substitute teachers. Also, some larger districts have reported that potential candidates for school board positions occasionally decline to run for office, expressing the desire not to disqualify a spouse from employment in the district as a substitute teacher.

**Summary:** Any school district may employ the spouse of an officer of the district as a substitute teacher, if the board of directors has found a shortage of substitute teachers in the district.

The terms of the employment contract with the substitute must be commensurate with the pay plan or collective bargaining agreement operating in the district.

**Votes on Final Passage:**

House	97	0	
Senate	43	0	(Senate amended)
House			(House refused to concur)
Senate	46	0	(Senate receded)

**Effective:** July 25, 1993

**SHB 1389**

C 164 L 93

Changing provisions relating to work crews.

By House Committee on Corrections (originally sponsored by Representative Riley).

House Committee on Corrections  
Senate Committee on Law & Justice

**Background:** Under the determinate sentencing laws, intermediate punishment options available to judges 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, work release or participation in inmate work crews.

Inmate work crews provide labor in low skilled and labor intensive projects such as picking up litter in parks and along roadways or providing landscaping work. 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 have been used by local jails to relieve jail crowding, reduce inmate idleness, reduce inmate tension and mischief, and provide inmates with a meaningful work experience. In

## ESHB 1393

addition, offender work crews are used to help local county governments operate more cost effectively by providing low cost labor on civic projects.

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 a 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. 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.

All work crew programs are required to limit jobs to unskilled labor on public lands, on private land owned or operated by a nonprofit entity, or on private property to conduct emergency snow removal only.

**Summary:** Both state and county offender work crews are allowed to perform civic improvement tasks for the benefit of the community without restriction regarding the ownership of the property where the work is performed.

### Votes on Final Passage:

House	92	1
Senate	46	0

Effective: July 25, 1993

## ESHB 1393

C 309 L 93

Providing for periodic adjustments of the state minimum wage.

By House Committee on Commerce & Labor (originally sponsored by Representatives G. Cole, Heavey, King, Franklin, Jones, Dunshee, Romero, Quall, Thibaudeau, Veloria, Appelwick, R. Johnson, Wolfe, Wood, Rust, Pruitt, Leonard, Basich, Wineberry, Ogden, R. Meyers, Wang, Scott, Cothem, Kessler, Flemming, Johanson, Conway, J. Kohl and Anderson).

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

**Background:** Both federal and state law specify the minimum wage that may lawfully be paid to covered employees. Under Initiative 518, the Washington State minimum wage was increased on January 1, 1990, to \$4.25 an hour. The state law does not specify further adjustments to the minimum wage rate, but does require periodic review of the issue by the Office of Financial Management.

Since April 1, 1991, the federal minimum wage has been \$4.25 per hour.

**Summary:** The state minimum wage is changed from \$4.25 per hour to \$4.90 per hour on January 1, 1994.

### Votes on Final Passage:

House	59	38	
Senate	27	19	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)
House	65	33	(House concurred)

Effective: January 1, 1994

## HB 1395

C 451 L 93

Allowing counties to impose additional marriage license fees for funding family services.

By Representatives Scott, Long, G. Cole, Riley, Johanson, Leonard, Ogden, King and Locke.

House Committee on Human Services  
House Committee on Revenue  
Senate Committee on Health & Human Services

**Background:** The fees for processing applications for marriage licenses are established by law. The basic fee is \$8. There is an additional fee of \$5, which expires June 30, 1995, for use and support for the prevention of child abuse and neglect activities. There is also a \$10 fee for the purposes of the Displaced Homemaker Act. Counties may also charge \$8 for funding the family court.

There is no authority granted to county legislative authorities to add an additional fee to a marriage license for the purpose of funding family services.

**Summary:** County legislative authorities may establish an additional fee for a marriage license, not exceeding \$15, to fund family services, such as family support centers.

### Votes on Final Passage:

House	75	23
Senate	34	13

Effective: July 25, 1993

## HB 1400

C 30 L 93

Regulating real estate appraisers.

By Representatives Heavey and Franklin; by request of Department of Licensing.

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

**Background:** In 1988, the Department of Licensing conducted a sunrise review of the real estate appraisal industry. The department recommended that no certification or licensing be required. However, the department further recommended that if federal law were to require state certification of appraisers, the Legislature should provide only

the minimal level of certification to meet the federal standards.

In 1988, the federal Office of Management and Budget issued a directive to federal agencies to require state certified appraisals for certain transactions by July 1, 1991. In 1989, a state certification program was enacted by the Legislature to allow Washington appraisers to perform appraisals for these transactions.

The Washington Certified Real Estate Appraiser Act prohibits a person from using the terms "certified appraisal" or "state certified real estate appraiser" unless he or she is certified by the state. There are two classes of certification. A certified residential real estate appraiser may render appraisals of residential real property of one to four units. A certified general real estate appraiser may make certified appraisals of all types of real property.

The Appraisal Subcommittee of the Federal Financial Institutions Examination Council, the agency responsible for monitoring all states' compliance with federal mandates of Title XI of the Federal Institutions Reform, Recovery and Enforcement Act of 1989, has strongly encouraged Washington to add a third level of certification to allow temporary practice by qualified out-of-state appraisers and to change the state's nomenclature so that it is consistent with the federal classifications.

**Summary:** There are three levels of real estate appraiser certification. A state-certified general real estate appraiser may render certified appraisals of all types of property. A state-certified residential real estate appraiser may make certified appraisals of residential property of one to four units without regard to transaction value or complexity and nonresidential property as specified in rules adopted by the director. A state-licensed real estate appraiser may make licensed appraisals of noncomplex property of one to four residential units, and complex property of one to four residential units and nonresidential property having a transaction value as specified in rules adopted by the director.

This act does not preclude a person who is not certified or licensed from appraising real estate in this state for compensation, except in federally related transactions requiring licensure or certification.

The authority of the director is expanded to include the authority to:

- (1) enter into contracts for professional services determined to be necessary for adequate enforcement of the law;
- (2) investigate all complaints or reports of unprofessional conduct and to hold hearings;
- (3) take emergency action ordering summary suspension of a license or certification pending proceedings by the director; and
- (4) adopt standards of professional conduct or practice.

The director is authorized to establish and appoint the members for a real estate appraiser advisory committee to advise the director.

A person who is certified or licensed by another state may receive a temporary license or certification in Wash-

ington, good for 90 days, by paying a fee and filing a notarized application with the department.

The list of acts or omissions for which the director may suspend or revoke a license or certification, or fine an appraiser, is expanded to include, among others:

- (1) obtaining a license or certification through the mistake or inadvertence of the director;
- (2) conviction of any gross misdemeanor or felony or the commission of any act involving moral turpitude, dishonesty, or corruption;
- (3) false, fraudulent, or misleading advertising; and
- (4) issuing an appraisal report on any real property in which the appraiser has an interest unless his or her interest is clearly stated in the appraisal report.

Nomenclature used in Washington is made consistent with federal regulations.

**Votes on Final Passage:**

House	92	0
Senate	44	0

**Effective:** July 25, 1993

**HB 1401**

C 310 L 93

Describing when tax foreclosed property may be disposed of by private negotiations.

By Representatives Dunshee, Horn, R. Fisher and H. Myers.

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** A lien is established on property when property taxes are imposed on the property. The lien exists until the taxes are paid.

The county treasurer of the county in which the property is located issues a certificate of delinquency and the prosecuting attorney forecloses the lien for unpaid property taxes if property taxes remain unpaid for three years. Notice is made of the foreclosure proceeding before the superior court. The superior court orders the judgment for delinquent taxes, interest, and costs if the lien is not paid and orders the property sold. The property is sold by public auction if the lien is not paid by the day before the day of sale, with the minimum acceptable bid being for the amount of the delinquent taxes, interest, and costs.

If a minimum acceptable bid is not made at the public auction, the county is considered to have bid the minimum acceptable bid and acquires the property. The tax foreclosed property that the county obtains may be sold at a later date. Tax foreclosed property that is real property must be sold at a public auction. However, the county may sell tax foreclosed real property by private negotiation directly to any public agency for public purposes if the public agency pays an amount at least equal to the principal amount of unpaid taxes.

## HB 1407

**Summary:** The instances when a county may sell tax foreclosed real property by private negotiation without using a public auction are expanded to include: (1) when the county legislative authority determines that it is not practical to build on the real property due to the physical characteristics of the property or legal restrictions on construction activities on the property; or (2) when an attempt is made to sell the real property at a public auction, but no acceptable bids are received, if the property is sold within six months from the date of the attempted public auction.

**Votes on Final Passage:**

House 97 0  
Senate 44 0

**Effective:** July 25, 1993

## HB 1407

C 157 L 93

Changing duties of the legislative auditor and attorney general regarding the legislative budget committee.

By Representatives Sommers, Silver, Chandler, Fuhrman, Locke, Ogden and Brough; by request of Legislative Budget Committee.

House Committee on State Government  
Senate Committee on Ways & Means

**Background:** State officers and employees are prohibited from over-expending appropriations, failing to properly account for expenditures, or expending funds contrary to the terms of an appropriation. Possible penalties for violation of this prohibition include: a \$500 civil fine; all costs incurred by the state in bringing the action, including attorney's fees; any damages sustained by the state resulting from the violation; and immediate forfeiture of the officer's or employee's employment.

The legislative auditor is the executive officer of the Legislative Budget Committee (LBC). The legislative auditor is currently authorized to file with the attorney general any audit exceptions or findings that indicate a violation of the prohibitions relating to expenditures of funds. However, the legislative auditor is not authorized to file with the attorney general findings of other types of violations of state law. In a recent case, the LBC attempted to refer findings of possible violations of the state's competitive bidding requirements to the attorney general, but was told that the referral had to be made through the state agency being audited.

**Summary:** The legislative auditor is authorized to file with the attorney general acts of malfeasance, misfeasance, or nonfeasance on the part of any state officer or employee. The attorney general will promptly review such filings and may act upon them under the applicable statutes. The attorney general is required to advise the LBC of the status of exceptions or findings referred by the LBC.

**Votes on Final Passage:**

House 97 0  
Senate 44 0

**Effective:** July 25, 1993

## ESHB 1408

C 407 L 93

Providing a comprehensive program for teen pregnancy prevention.

By House Committee on Human Services (originally sponsored by Representatives Sommers, Leonard, Cooke, Thibaudeau, Brough, Riley, Wolfe, Thomas, Karahalios, Ballasiotes, Forner, Long, Schmidt, Flemming, Silver, Eide, Wood, Shin, Linville, R. Meyers, J. Kohl, Ogden, Valle, Ludwig, Bray, Basich, Wineberry, Jones, Roland, Mielke, Wang, Heavey, Pruitt, Brown, Dellwo, Scott, Rayburn, King, Cothorn, Kessler, G. Cole, Rust, Springer, Kremen, Johanson, L. Johnson, Locke, Sheldon, Morris, H. Myers, Jacobsen and Anderson).

House Committee on Human Services  
House Committee on Appropriations  
Senate Committee on Health & Human Services  
Senate Committee on Ways & Means

**Background:** Over 15,000 teenage girls become pregnant each year in Washington State. Adolescent pregnancies can cause young mothers to drop out of school, reduce their ability to earn a living wage, increase their likelihood of becoming dependent on public assistance, and increase the likelihood that their children will grow up in poverty.

**Summary:** A program is established within the Department of Health to fund community based teen pregnancy prevention projects. The projects will be evaluated by the reduction of the pregnancy and birth rates among teens in the community served. The applications for funding will include components which address religious, cultural, and socioeconomic differences in the community to be served, and the inclusion of sexual abstinence as an acceptable method of pregnancy prevention. A teen pregnancy prevention media campaign will be conducted in conjunction with local media outlets and interested organizations and corporations.

The family planning services available through the First Steps Program are extended from two months immediately following a pregnancy to 12 months immediately following a pregnancy. The Department of Health is authorized to offer family planning services to women who meet the financial eligibility criteria for maternity coverage through the First Steps Program.

**Votes on Final Passage:**

House 83 12  
Senate 36 8 (Senate amended)  
House 85 12 (House concurred)

**Effective:** July 25, 1993



**HB 1411**

C 248 L 93

Allowing metropolitan park districts to acquire open space, land, or rights to future development.

By Representatives Pruitt, Morton, R. Johnson, Brown and Brough.

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

**Background:** In 1971, the Legislature authorized certain entities to participate in "conservation futures" programs. Under these programs, an entity may purchase development rights or make other contractual agreements with a property owner of select open space land, farm land, or timber land in order to preserve these open spaces or areas from future development. Under current law, the following entities are authorized to participate in conservation futures programs: counties, cities, towns, metropolitan municipal corporations, nonprofit historic preservation corporations, and nonprofit nature conservancy corporations or associations.

**Summary:** Metropolitan park districts are added to the list of entities authorized to participate in conservation futures programs.

**Votes on Final Passage:**

House	96	0
Senate	47	0

**Effective:** July 25, 1993

**EHB 1415**

C 135 L 93

Modifying the imprinting law for over-the-counter medications in solid dosage form.

By Representative G. Cole.

House Committee on Health Care  
Senate Committee on Health & Human Services

**Background:** For poison control purposes, the Legislature enacted a requirement that prohibits the manufacture or distribution of solid dosage over-the-counter (nonprescription) medications without clearly identifying the medication and the manufacturer or distributor by name or symbols. No such drugs may be manufactured in or shipped into this state after January 1, 1993, without being identified.

The sale of over-the-counter medications in any container including vials, after January 1, 1994, is also prohibited without identifying the manufacturer. There is no requirement, however, that the distributor or packer be identified on these drugs. There is a question as to whether this requirement includes liquid dosages as well as solid dosages.

The Board of Pharmacy was required before January 1, 1993, to determine if the federal government has established a substantively equivalent system for imprinting and identifying drugs. State requirements would cease to exist upon the implementation of the federal requirements.

To date, no federal system for imprinting and identifying over-the-counter drugs has been implemented, and the requirements of state law are now technically in effect.

**Summary:** The implementation date for identifying over-the-counter medications manufactured and distributed in this state is deferred until January 1, 1994, and these medications may not be sold in this state after January 1, 1995.

The coverage of the law is clarified to include only over-the-counter medications in solid dosage forms.

The packer and distributor as well as the manufacturer are required to be identified on the over-the-counter medications sold in this state after January 1, 1995.

**Votes on Final Passage:**

House	98	0
Senate	45	0

**Effective:** April 30, 1993

**SHB 1428**

C 249 L 93

Removing the expiration date and correcting references for the Washington telephone assistance program.

By House Committee on Energy & Utilities (originally sponsored by Representatives Grant, Casada, Finkbeiner, Long, King and Jacobsen).

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

**Background:** In 1987, the Legislature established a program to assist low-income persons in obtaining basic telephone services. The program, then known as the "Lifeline Assistance Program" and now known as the "Washington Telephone Assistance Program" (WTAP), is administered by the Department of Social and Health Services (DSHS).

WTAP provides low-income persons with a 50 percent discount on connection fees and waives deposit requirements. Under the program, WTAP participants are charged a discounted flat rate for basic telephone service.

In order to be eligible for assistance under WTAP, a person must be an adult recipient of programs that are administered by DSHS for the financially needy and that provide continuing financial or medical assistance, food stamps, or supportive services to persons in their homes.

WTAP is funded by an excise tax on all switched access lines and by funds available for this purpose from the federal government or other sources. There is a statutory ceiling on the excise tax of \$0.14 per month per line. The current rate, established by the Utilities and Transportation Commission, is \$0.13 per line per month.

## ESHB 1435

The WTAP program expires on June 30, 1993, unless extended by the Legislature.

**Summary:** The Washington Telephone Assistance Program is extended until June 30, 1998.

**Votes on Final Passage:**

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

**Effective:** May 7, 1993

## ESHB 1435

C 136 L 93

Authorizing funds for state agency buildings.

By House Committee on Capital Budget (originally sponsored by Representatives Wang and Ogden; by request of Office of Financial Management).

House Committee on Capital Budget  
Senate Committee on Ways & Means

**Background:** State government operates on a two-year fiscal period beginning on July 1 of odd-numbered years. In addition to the operating budget adopted every two years, the Legislature also enacts a capital budget providing for land acquisition, construction, facility improvements, and other capital needs of the state and its agencies and institutions. Many of these projects are financed by the issuance of state general obligation bonds.

In the intervening (even-numbered) years, the Legislature enacts a supplemental capital budget that revises existing appropriations and authorizes additional capital projects.

**Summary:** The 1992 capital budget is amended to authorize the Department of General Administration to enter into a financial contract for acquisition of land and buildings in Yakima and to reduce the Department of Ecology's appropriation for Referendum 39 and Referendum 26. The budget is further amended to clarify a condition to the Department of Trade and Economic Development's appropriation for the Agricultural Complex in Yakima. The condition prohibits state money from being used for a separate stadium facility at the Agricultural Complex in Yakima.

**Votes on Final Passage:**

House	59	31	
Senate	39	6	

**Effective:** April 30, 1993

## HB 1444

C 452 L 93

Requiring identification for driver's licenses and identicards.

By Representatives Schmidt, Sheldon, Anderson, R. Fisher, Ballasiotes, Horn, Brough, Sheahan, Long, Campbell, Brumsickle, Ballard, Wood, Miller and Fomer.

House Committee on Transportation  
Senate Committee on Transportation

**Background:** The Department of Licensing (DOL) issues driver's licenses and identicards through its driver examining program. The 62 driver licensing offices statewide issue over 1.4 million photo driver's licenses, identicards and instruction permits annually. Currently there are over 4 million valid photo driver's licenses, identicards and instruction permits. A driver's license must be renewed every four years and identicards every five years.

Currently DOL accepts an unlimited number of types of identification in order for an individual to secure a driver's license or identicard.

**Summary:** Six specific types of identification are set forth as being acceptable in order to be issued a driver's license or identicard. All six types of identification must contain a signature and a photograph. They include:

- (1) a valid or recently expired driver's license or instruction permit;
- (2) a valid Washington State identicard or an identification card issued by another state;
- (3) an identification card issued by a federal or state agency;
- (4) a military identification card;
- (5) a United States passport; and
- (6) an immigration and naturalization service form.

A person who cannot supply any of the forms of identification listed above may request the Department of Licensing (DOL) to review other documentation. DOL may issue a driver's license or identicard if the documentation presented clearly establishes the identity of the applicant.

A procedure is established for identifying a minor who cannot provide any of the forms of identification listed above.

**Votes on Final Passage:**

House	94	0	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 25, 1993

**SHB 1452**

C 81 L 93

Specifying information that must be made available to parties affected by adoption.

By House Committee on Human Services (originally sponsored by Representatives Riley, Heavey, Brown, Flemming, Karahalios, Cooke, Wineberry, Valle, Romero, Leonard, G. Cole, Mielke, Anderson and Ballard).

House Committee on Human Services  
Senate Committee on Health & Human Services

**Background:** People adopting children receive written information on adoption related services. People who facilitate adoptions are required to provide family background and related reports on the adoptive child to the adoptive parent. The reports cannot reveal the identity of the birth parent.

**Summary:** The types of nonidentifying information which can be provided to adoptive parents when they adopt a child are enumerated. The Department of Health is required to provide a noncertified copy of the original birth certificate to the adoptee, after the adoptee's 18th birthday, unless the birth parent has signed an affidavit of nondisclosure.

**Votes on Final Passage:**

House	95	1
Senate	33	12

**Effective:** July 25, 1993

**SHB 1454**

C 138 L 93

Revising the definition of "acting in the course of employment."

By House Committee on Commerce & Labor (originally sponsored by Representatives King, G. Cole, Horn, Foreman, R. Johnson, Sheahan, Chandler, Vance, Brough, Miller, Ballasiotes, Brumsickle, Wood, Van Luven, Springer, Silver, Cooke, Long, Dyer, Morton, Talcott and Sehlin).

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

**Background:** Workers are covered under the state industrial insurance law if they are injured while "acting in the course of employment." Workers are generally not considered to be acting in the course of employment while traveling to and from work. However, if the employer has a customary or contractual obligation to furnish transportation, then injuries occurring during the commute to and from work may be covered for industrial insurance.

If the worker participates in a commuter ride sharing program, the time spent going to and from work does not

come within the meaning of acting in the course of employment even though the employer participates in the ride sharing arrangement.

**Summary:** The term "acting in the course of employment" for purposes of the industrial insurance law does not include time spent going to or coming from work on a public transport system using a pass provided by the employer.

**Votes on Final Passage:**

House	97	0
Senate	46	0

**Effective:** July 25, 1993

**EHB 1456**FULL VETO

Allowing self-insured employers to close disability claims after July 1990.

By Representatives King, G. Cole, Lisk, R. Johnson, Horn, Foreman, Sheahan and Chandler.

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

**Background:** Self-insured employers are authorized to close the industrial insurance claims of their workers if the claims involve only medical treatment. Claims with other types of compensation are closed by the Department of Labor and Industries.

Between 1986 and 1990, self-insured employers were authorized to close industrial insurance claims if either medical treatment payments or temporary disability payments were made on the claims. The self-insurer could not close claims that involved permanent disabilities or raised disputes that required intervention by the department. In addition, the injured worker was required to have returned to work with the employer. The authority to close these claims expired July 1, 1990.

**Summary:** Self-insured employers' authority to close certain industrial insurance claims is reinstated and made permanent. The claims may include time-loss compensation or both medical treatment and time-loss compensation, but may not involve permanent disability. These claims may be closed by the self-insurer only if the Department of Labor and Industries has not intervened because of a dispute and the injured worker has returned to work with the self-insured employer at the previous job or a job that has comparable wages, benefits, and permanency.

**Votes on Final Passage:**

House	96	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

VETO MESSAGE ON EHB 1456

May 18, 1993

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen

I am returning herewith, without my approval Engrossed House Bill No. 1456 entitled:

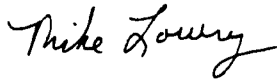
"AN ACT Relating to self-insured employers:"

This bill would give self-insured employers the right to close certain industrial insurance claims if the Department of Labor and Industries has not intervened because of a dispute and the injured worker has returned to work with the self-insured employer at the previous job or a job that has comparable wages, benefits, and permanency.

Because of concern over the meaning of the word "permanency" in the context of the bill, self-insured employers have indicated that they will not close any claim, thereby rendering the bill useless.

For this reason, I have vetoed Engrossed House Bill No. 1456 in its entirety.

Respectfully Submitted,



Mike Lowry  
Governor

SHB 1458

C 5 L 93 E1

Regulating retail charge agreements.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Zellinsky, Mielke, Dom, R. Johnson and Fuhrman).

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

**Background:** The Retail Installment Sales Act (RISA) governs the financing of retail purchases and until last year, limited the service charge (interest) that could be collected by a retail creditor. RISA generally divides retail installment transactions into closed-end and open-end transactions. Closed-end transactions are one time contracts for the purchase of identified goods with a fixed repayment period such as a contract with an appliance store for the purchase of a television. Open-end transactions permit periodic use of credit with an open-ended repayment period hence, its name. Open-end credit is identified as retail charge agreements under RISA.

RISA also distinguishes between retail cards and lender credit cards. One of the primary differences between a lender credit card and a retail credit card under RISA, is that lender credit cards may not contain a provision granting the creditor a security interest in the goods financed with the card.

Until last year when the Legislature removed the interest rate limits, RISA had two basic types of interest rate

limits - an indexed rate and a fixed rate. Retail and lender (non-bank) cards could not collect more than 18 percent. Financial institution credit cards are exempted from RISA and are governed by the usury statute. Closed-end loans were governed by an indexed rate of 6 percent over an average rate of certain federal treasury bills. As a result, the permitted interest rate for closed-end loans fluctuated throughout the 1980s from a high of nearly 18 percent in 1981 to a low of less than 12 percent in 1992. The low rates for closed-end contracts prompted many retailers to consider the offering of open-end accounts. However, many small retailers did not have the money or ability to offer and service credit cards and therefore, turned to finance companies or other lenders who provided the open-end credit on the retailers behalf. In many instances, retailers provided customers with an application for a revolving credit agreement between the customer and a creditor other than the retailer; e.g., a revolving credit agreement with a finance company.

In November of last year, the state Supreme Court ruled that two kinds of retail installment agreements assigned to the Whirlpool Acceptance Corporation violated RISA because "they [did] not make required disclosures, and they impose[d] a service charge in excess of that permitted by statute." The court held that a "retail installment transaction must involve a retail seller and a retail buyer." Whirlpool was not the retail seller and could not enter into a revolving agreement with consumers, nor was an assignment of a revolving agreement by the retailer authorized by RISA. As a consequence, Whirlpool was not entitled to a rate of return permitted for revolving accounts. Moreover, the Whirlpool agreements could not be recharacterized as lender credit card agreements because the agreements contained a security interest.

As a result of the Supreme Court's interpretation of RISA, all consumers in a similar position as the plaintiffs in the Whirlpool case can potentially seek remedies for violation of RISA that would, in part, require finance companies and other creditors to refund any interest charged to such consumers.

**Summary:** The Retail Installment Sales Act (RISA) is amended to authorize the assignment of retail charge agreements to finance companies and other creditors and to permit the use of a retail credit card with more than one retail seller.

All legal actions seeking remedies or damages under RISA are prohibited for agreements that would be legal under RISA, as amended.

**Votes on Final Passage:**

House	97	1	
Senate	41	6	(Senate amended)

**First Special Session**

House	95	2
Senate	41	4

**Effective:** May 28, 1993



**ESHB 1461**

C 311 L 93

Extending the prohibition on mandatory local measured service.

By House Committee on Energy & Utilities (originally sponsored by Representatives Kremen, Miller, Jacobsen and Long).

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

**Background:** Most telephone customers in Washington pay a flat monthly rate for local telephone service. Many of the local exchange companies offer their customers the option to pay for local calls on a per call basis. This practice is commonly known as local measured service. Under this option, the telephone customer pays a lower monthly rate and then pays for the calls actually made, based on the time of day, length of call, and in some cases, the distance of the call.

In 1985, the Legislature prohibited the Utilities and Transportation Commission from approving telecommunications tariffs which include mandatory local measured service. The prohibition has been extended twice since then and is currently set to expire June 1, 1993. The prohibition does not apply to mobile services, pay telephone services, or to any other service which has traditionally been offered on a measured basis.

**Summary:** The prohibition on Utilities and Transportation Commission approval of a telecommunications tariff for mandatory local measured service is extended to June 1, 1998.

**Votes on Final Passage:**

House	98	0
Senate	46	0

**Effective:** May 12, 1993

**SHB 1469**

C 409 L 93

Clarifying that the department of social and health services is not required to reimburse certain health care costs under the limited casualty program.

By House Committee on Corrections (originally sponsored by Representatives L. Johnson, Morris, Long and Thibaudeau).

House Committee on Corrections  
Senate Committee on Health & Human Services

**Background:** The Department of Social and Health Services (DSHS) is required to reimburse a city or county for the cost of medical treatment provided to jail inmates. Inmates in public institutions are ineligible for Medicaid.

Until recently, DSHS paid for jail inmates' hospital costs to the extent that money was available in the Limited

Casualty Program for the Medically Indigent (LCP-MI). The LCP-MI is a program of last resort entirely funded by monies appropriated by the state Legislature. The Washington State Supreme Court recently held that the mandatory requirement to reimburse cities and counties for medical costs of jail inmates was not limited to the amount of funds available in the LCP-MI.

**Summary:** The Department of Social and Health Services is required to directly reimburse the provider of emergency or necessary health care to jail inmates in accordance with rates and benefits established by the department, if the inmate is eligible for the department's medical care programs. After payment is made by the department, the financial responsibility for any unpaid balance, including the deductible that is necessary for client eligibility for the program, is divided equally between the medical care provider and the local government unless the medical care provider and local government have reached a different agreement for sharing the unpaid balance. Total payments from all sources to the medical care providers may not exceed the amount that the department would have paid if the inmate was eligible for Title XIX Medicaid, unless additional resources are obtained from the inmate.

A city or county is required, as part of booking an inmate into jail, to obtain information concerning the inmate's ability to pay for medical care. This information must be made available to the department, the local government, and the provider of medical care.

Civil or criminal remedies may be pursued to recover the costs of medical care provided to jail inmates. A court may order a defendant to pay all or part of the medical costs incurred while in jail as part of a sentence.

**Votes on Final Passage:**

House	67	31	
Senate	44	0	(Senate amended)
House	72	25	(House concurred)

**Effective:** May 15, 1993

**HB 1476**

C 69 L 93

Revising provisions relating to meeting federal fair housing act requirements for housing equivalency.

By Representatives Wineberry, Ballard, Shin, G. Cole, Brough, Ogden, Forner, J. Kohl, Veloria, Vance, Leonard, Casada, Miller, Ballasiotes, Foreman, Chandler, Wood, Cooke, H. Myers and Lisk; by request of Human Rights Commission.

House Committee on Trade, Economic Development & Housing  
Senate Committee on Labor & Commerce

**Background:** The Federal Fair Housing Amendments Act of 1988, effective March 12, 1989, amends Title VIII of the Civil Rights Act of 1968 to extend fair housing protec-

tion to families with children and to the handicapped. It also establishes an administrative and judicial enforcement mechanism for discriminatory housing practices.

Under federal law, the U.S. Department of Housing and Urban Development (HUD) must refer complaints to the state where the complaint arises, if the state is certified as administering laws substantially equivalent to the federal law. If a state's law is not certified, HUD retains full jurisdiction over complaints that arise in that state.

To obtain certification, a state law must, with respect to the federal law, prohibit the same discriminatory housing practices, provide equivalent rights and remedies, and procedures, and a similar judicial review process.

Washington's law against discrimination, administered by the Washington Human Rights Commission, prohibits discrimination in real estate transactions on the basis of sex, marital status, race, creed, color, national origin, handicap, or use of a trained guide dog.

**Summary:** The state's human rights laws are amended to make them substantially equivalent to federal law by: (1) adding families with children as a protected class in real estate transactions and public accommodations; but with an exemption for housing that is designated for older persons; (2) adopting accessibility standards to provide dwelling unit access by disabled persons; (3) adding all substantive rights, protections and remedies of the federal law; and (4) replacing the term "handicap" with "disability."

"Families with children" is defined as one or more individuals below the age of 18 years and where such individual(s) lives with a parent or another person that has legal custody of the child or children. The term also applies to a person who is pregnant or in the process of obtaining legal custody of any person that is below the age of 18 years old.

"Housing for older persons" is defined as housing: (1) that is occupied solely by persons 62 years of age or older, or (2) where at least 80 percent of the occupied units are occupied by a person 55 years of age or older, and must contain facilities and services designed to meet the physical and social needs of older persons.

Discrimination in real estate transactions involving families with children and persons with disabilities are considered unfair practices. Unfair practices include: (1) discrimination against families with children in public accommodations; (2) refusal to permit a person to make reasonable modifications to existing dwellings for a person with disabilities, when it will be returned to original condition at the end of the tenancy; (3) refusal to make reasonable accommodations in rules, policies, practices or services when needed to allow use of the premise by a person with disability; and (4) failure to design and construct dwellings to federal accessibility standards.

Complaints related to unfair practices involving the renting or selling of real estate must be filed with the Washington State Human Rights Commission (WSHRC) within one year of the alleged discriminatory practice. In cases of valid complaints, WSHRC can either refer the

case to the state Attorney General's Office for litigation or the case can be handled through an administrative law judge. A superior court or administrative law judge can: (1) require affirmative actions to correct the unfair practice; (2) determine the amount of relief, including actual damages as provided in federal law; and (3) assess a civil penalty against a person found guilty of the unfair practice. The civil penalties are based on the federal three tier system with fines up to: \$10,000 for the first offense, \$25,000 for the second offense, and \$50,000 for the third offense.

**Votes on Final Passage:**

House	97	0
Senate	44	3

**Effective:** July 25, 1993

**HB 1477**

C 141 L 93

Creating a fuel tax exemption.

By Representatives Wood, Schmidt, R. Fisher, Mielke, Brumsickle, Ludwig, Casada and Shin.

House Committee on Transportation  
Senate Committee on Transportation

**Background:** Motor vehicle fuel used for nonhighway purposes is exempt from motor fuel taxes. Users may request a fuel tax refund from the Department of Licensing.

One of the purposes eligible for a fuel tax refund is the use of power takeoff (PTO) units which include pumps and other equipment fueled from a vehicle's fuel tank. Accurately determining fuel used by the PTO units may not be practical or possible.

Under current law the amount of exempt fuel may be determined through the use of a metering device or a separate fuel tank, or by using statutory formulas that specifically address certain PTO uses: the pumping of fuel, heating oils or milk; cement mixer trucks; and garbage truck load compactors. The use of onboard computers in lieu of a metering device is not authorized.

Some users of PTO units are not able to collect a fuel tax refund because they are unable to determine the amount of fuel eligible for refund using the measuring options available in law.

**Summary:** For purposes of providing fuel tax refunds, the Department of Licensing is authorized to establish by rule formulas for determining power takeoff unit fuel use when direct measurement of the fuel used is not feasible. Formulas may apply to vehicles using motor vehicle fuel or special fuel. The department is also authorized to adopt rules to permit the use of onboard computers to compile records for determining power takeoff unit fuel use. Formulas in statute addressing certain power takeoff uses are not changed.

**Votes on Final Passage:**

House 98 0  
 Senate 42 2  
 Effective: July 25, 1993

**HB 1479**  
**PARTIAL VETO**  
 C 498 L 93

Modifying the uniform unclaimed property act.

By Representatives G. Fisher, Foreman, Wang and Anderson; by request of Department of Revenue.

House Committee on Revenue  
 Senate Committee on Ways & Means

**Background:** The Uniform Unclaimed Property Act generally requires that unclaimed property must be turned over to the custody of the state Department of Revenue. If the property is unclaimed after three years, it is sold to the highest bidder at public sale. The proceeds from the sale are deposited into the state general fund. Unclaimed property holders report property on either November 1 or May 1, and remit the property, if unclaimed, to the department six months later. The department is required to publish names of claimants within four months of receiving these names. The amount of unclaimed property the department receives has risen substantially in the last few years.

Current law does not specifically address unclaimed property held by the federal government and its agencies.

The department is required to review and accept or reject items abandoned in mini-storage warehouses. Mini-storage warehouse owners are authorized to hold sales of the goods to recover rental and penalty costs. Generally, nothing of value is left after the sale.

Unclaimed lottery prizes are retained in the state lottery account for further use as prizes.

**Summary:** The report and remit dates for unclaimed property are replaced by one combined date of November 1 of each year. The time period for advertising unclaimed property by the department is increased from four to 10 months, which will allow for advertising region by region and even out the workload to provide more efficient service to claimants. The federal government and its agencies are included in the scope of the unclaimed property law. Mini-storage warehouses are no longer part of the department's unclaimed property program.

Unclaimed lottery prizes are added to the list of unclaimed property to be turned over to the Department of Revenue. These unclaimed prizes will then be deposited in the general fund.

**Votes on Final Passage:**

House 97 0  
 Senate 44 4 (Senate amended)  
 House 96 0 (House concurred)  
 Effective: July 25, 1993

**Partial Veto Summary:** The veto removes sections that would have added unclaimed lottery prizes to the list of unclaimed property to be turned over to the Department of Revenue for deposit in the general fund. As a result of the veto, unclaimed lottery prizes will continue to be retained in the state lottery account for further use as prizes.

**VETO MESSAGE ON HB 1479**

May 18, 1993

To the Honorable Speaker and Members,  
 The House of Representatives of the State of Washington  
 Ladies and Gentlemen

I am returning herewith, without my approval as to sections 1, 3, 11, and 12, House Bill No. 1479 entitled:

"AN ACT Relating to the administration of the uniform unclaimed property act;"

Section 1 through 10 of House Bill No. 1479, as introduced, amended this state's uniform unclaimed property act to clarify the scope and improve the efficiency of the unclaimed property program. I am in full agreement with the intent of all of those amendatory sections.

In the legislative process, House Bill No. 1479 was amended (in sections 1, 3, and new sections 11, and 12) to define unclaimed lottery prizes as unclaimed property to be transferred to the Department of Revenue from which it would be deposited in the state General Fund. The Legislature includes \$11 million in its balance sheet from revenue legislation associated with this bill.

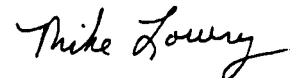
Unfortunately, lottery unclaimed prizes are not new money that can be added to the balance sheet. The Lottery, under current law and its rules, has properly used unclaimed prizes to provide that part of the cost of purchasing annuities for Lotto jackpots that are unfunded by the distribution of revenues from Lotto sales. Since July 1, 1991, the Lottery has used \$13.7 million of the \$16.7 million obtained from unclaimed prizes to support these costs. The value of the unclaimed prizes ends up reflected in higher Lotto sales and higher jackpots that can be offered because unclaimed prize money is available.

If these amendments were enacted, the Lottery could supplement current resources available to support current Lotto jackpot levels by retaining a higher portion of Lotto revenues, thus reducing its state General Fund revenue estimate. It could also adjust downward the current pattern of increases in jackpots when a jackpot is not won, making jackpots self-funding but substantially reducing player interest and reducing Lotto sales. Neither of these options are desirable, and both end up costing the state more than the \$11 million in unclaimed prizes assumed in this bill because of adjustments that would need to be made to the Lottery's contribution to state General Fund revenue forecasts.

For this reason, I have vetoed sections 1, 3, 11, and 12 of House Bill No. 1479.

With the exception of sections 1, 3, 11, and 12, House Bill No. 1479 is approved.

Respectfully Submitted,



Mike Lowry  
 Governor

## SHB 1480

### SHB 1480

C 32 L 93

Subjecting certain travel trailers and campers to ad valorem taxation.

By House Committee on Revenue (originally sponsored by Representatives G. Fisher, Foreman, Wang and Springer; by request of Department of Revenue).

House Committee on Revenue  
Senate Committee on Labor & Commerce

**Background:** "Park model trailers," defined as mobile homes less than 400 square feet, are becoming increasingly common in some counties and are being permanently or semi-permanently sited for year-round or vacation use. It is estimated that there are 1,700 of these trailers permanently sited in Washington. These trailers are subject to an excise tax if they are licensed, but do not have to be licensed unless they are used on roads. They are exempt from property taxes.

**Summary:** Park model trailers that are not licensed and are permanently attached to a site are subject to property tax.

**Votes on Final Passage:**

House	98	0
Senate	38	7

**Effective:** July 25, 1993

### EHB 1481

C 33 L 93

Modifying taxation of ships and vessels.

By Representatives G. Fisher, Foreman, Wang and Quall; by request of Department of Revenue.

House Committee on Revenue  
Senate Committee on Ways & Means

**Background:** The collection of commercial vessel ad valorem property tax is performed by the county treasurers and the county assessors, while the Department of Revenue administers the tax. Local governments receive none of the revenue, though they do all of the collecting.

**Summary:** Responsibility for collection of the commercial vessel ad valorem property tax is removed from county treasurers and transferred to the Department of Revenue. Penalties and interest for noncompliance are the same as those imposed under the excise tax code.

**Votes on Final Passage:**

House	97	0
Senate	31	13

**Effective:** January 1, 1994

### EHB 1484

C 82 L 93

Creating a wildlife violator compact.

By Representatives King, Orr and Fuhrman; by request of Department of Wildlife.

House Committee on Fisheries & Wildlife  
Senate Committee on Natural Resources

**Background:** A compact is generally initiated by individual states in order to generate coordinated multi-state activity to resolve a common problem.

The concept of a wildlife violator compact was first advanced in the early 1980s by member states in the Western Association of Fish and Wildlife Agencies. Arizona, Colorado, Idaho, Nevada, Oregon and Utah have adopted wildlife violator compact legislation since then.

A hunter or fisher in Washington is subject to revocation of license privileges for certain violations involving big game, hunting accidents, and repeated wildlife violations within a 10-year period. License privileges of over 250 violators are revoked by the Department of Wildlife each year. Other states do not recognize the suspension of wildlife license privileges in Washington, and Washington does not recognize such suspensions in other states. Non-residents violating Washington's wildlife laws are often required to post collateral or bond to secure appearance for a trial at a later date, taken into custody if unable to pay, or taken directly to court for an appearance. This can be time consuming for law enforcement officials.

**Summary:** The Wildlife Violator Compact is established in Washington.

The compact provides the following procedures to be followed by the state issuing a citation:

- (1) When a wildlife officer issues a citation for a wildlife violation to a person from another party state, collateral to secure appearance is not required if the officer receives the person's personal recognizance that the person will comply with the terms of the citation;
- (2) If a person is convicted of a wildlife violation or fails to comply with the terms of a wildlife citation, the appropriate official is to report this to the licensing authority of the party state in which the wildlife citation was issued; and
- (3) Upon receipt of the report of conviction or noncompliance, the licensing authority of the issuing state is required to transmit pertinent information to the licensing authority in the home state of the violator.

The home state shall follow the procedures listed below:

- (1) Upon receipt of a report of failure to comply with the terms of a citation from the licensing authority of the issuing state, the licensing authority of the home state is required to notify the violator, initiate a suspension action in accordance with the home state's suspension procedures, and suspend the violator's license until evi-



dence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority;

- (2) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state will treat the conviction as if it occurred in the home state for the purposes of the suspension of license privileges; and
- (3) The licensing authority of the home state is required to maintain a record of actions taken and make reports to issuing states.

Parties to the compact are to recognize the suspension of license privileges of any person by any state as if the violation on which the suspension is based had in fact occurred in their state. The compact does not affect existing laws of each state.

A board of compact administrators is created, composed of one representative from each of the party states, to administer the provisions of the compact.

In order for the compact to become effective, it must be adopted by at least two states. The process for entry into and withdrawal from the compact is outlined. Procedures are established for amending the compact.

Specific direction is given to the departments of Wildlife and Fisheries for procedures to facilitate compact administration.

The director of the Department of Wildlife is to furnish to participating states information or documents necessary to facilitate compact administration. On receipt of a report of failure to comply with the terms of a citation or of a conviction from the licensing authority of a state that is a party to the compact, the Department of Wildlife is required to suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the department. The department is required to adopt rules outlining procedures for the timely notification and administrative review of a license suspension.

Where the violation is of a law administered by the Department of Fisheries, the Department of Wildlife must notify the Department of Fisheries on receipt of a report of failure to comply with the terms of a recreational citation or of a conviction from the licensing authority of a state that is party to the compact. The Department of Fisheries is directed to suspend the violator's recreational license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the Department of Wildlife. The Department of Fisheries is directed to adopt by rule procedures for the timely notification and administrative review of such suspension of recreational license privileges.

The relevant agency shall enter convictions in the agency's records and must treat the conviction as if it occurred in the state of Washington for the purposes of suspension, revocation, or forfeiture of license privileges.

**Votes on Final Passage:**

House 97 0  
Senate 47 0

Effective: July 25, 1993

**HB 1490**

C 453 L 93

Providing for child care.

By Representatives Wineberry, Former, Shin, Sheldon, King, Karahalios, J. Kohl and Anderson.

House Committee on Human Services  
Senate Committee on Health & Human Services

**Background:** The Department of Social and Health Services (DSHS) is required to organize local child care resource and referral organizations into a statewide system. The statewide child care resource and referral network was created in 1989 and has continued to function since that time. Also under existing law, DSHS established the Office of the Child Care Resources Coordinator. Among other duties, this office has the responsibility of staffing the Child Care Coordinating Committee, coordinating with the child care community, leveraging public and private monies and distributing grants to local child care resource and referral organizations.

**Summary:** Legislative intent establishes the importance of constructing partnerships at state and local levels in the provision of quality, affordable child care. It describes the role of the statewide child care resource and referral network in supporting community based programs, fostering state-wide strategies and generating public/private partnerships.

The child care resource and referral network is included as part of the child care system. The Office of the Child Care Resources Coordinator is replaced with the Office of Child Care Policy. Also, the limitation of \$25,000 as the maximum grant to be given to resource and referral programs is removed.

**Votes on Final Passage:**

House 98 0  
Senate 47 1 (Senate amended)  
House (House refused to concur)  
Senate 46 1 (Senate receded)

Effective: May 17, 1993

**ESHB 1493**

PARTIAL VETO

C 512 L 93

Assisting minority and women-owned businesses.

By House Committee on Trade, Economic Development & Housing (originally sponsored by Representatives

Wineberry, Fomer, Shin, Sheldon, Leonard, Basich, Locke, J. Kohl, Morris and Anderson).

House Committee on Trade, Economic Development & Housing  
 House Committee on Appropriations  
 Senate Committee on Trade, Technology & Economic Development  
 Senate Committee on Ways & Means

**Background:** Minority business enterprises (MBEs) and women's business enterprises (WBEs) benefit generally from statewide economic development programs.

Washington State's Office of Minority and Women's Business Enterprises (OMWBE) was created in 1983 to increase opportunities for minorities and women to obtain state contracts. OMWBEs major duties are: (1) to set annual MBE and WBE participation goals in fulfilling state contracts; (2) to certify businesses as eligible for MBE or WBE status; (3) to provide a certification list for state agencies and others seeking to solicit bids from MBEs or WBEs; and (4) to monitor agencies use of MBEs and WBEs, perform investigations to identify barriers to equal participation, and expose discriminatory business practices.

**Summary:** The Omnibus Minority and Women-Owned Businesses Assistance Act provides technical assistance, training and education, export assistance, contract procurement assistance, loans and grants, and bonding assistance to minority and women-owned businesses. Minority and women-owned business is defined as a business that has been certified by the Office of Minority and Women's Business Enterprises.

The Department of Trade and Economic Development must provide technical assistance to minority and women-owned businesses for marketing, finance, management, procurement, and identifying export markets. A business training course of instruction for MBEs and WBEs must be established. The Department of Trade and Economic Development will contract with private or public organizations to develop the course. The Minority and Women Business Development Office is established in the Department of Trade and Economic Development's Business Assistance Center.

OMWBE will work with state agencies to develop a plan, that includes direct contracting with certified minority and women-owned businesses for public works and construction, to achieve OMWBE participation goals in state contracting. On an annual basis, OMWBE will notify the governor, the Legislative Budget Committee, and the state auditor of all agencies not in compliance with participation goals.

Financial assistance may be provided to qualified minority and women business owners and minority and women entrepreneurs through the development loan fund administered by the Department of Community Develop-

ment. The program can consider nontraditional credit criteria for minority and women-owned businesses.

The Washington State Small Business Bonding Assistance Program is established in the Department of Trade and Economic Development. The program provides education and bond guarantees for minority and women-owned contracting businesses.

The Washington State Linked Deposit Program is established to provide a financial incentive for financial institutions to make loans to minority and women-owned businesses at reduced rates. The program terminates on June 30, 1996.

**Votes on Final Passage:**

House	90	8	
Senate	44	0	(Senate amended)
House			(House refused to concur)
Senate	39	4	(Senate amended)
House	92	6	(House concurred)

**Effective:** July 1, 1993

**Partial Veto Summary:** The partial veto removes provisions that required the budget to provide funding for specific parts of the Omnibus Minority and Women-Owned Businesses Assistance Act or those parts would become null and void. The partial veto corrected technical errors in the budget by preserving provisions which provide training, export assistance, bonding assistance, and a linked deposit program.

**VETO MESSAGE ON ESHB 1493**

May 18, 1993

To the Honorable Speaker and Members,  
 The House of Representatives of the State of Washington  
 Ladies and Gentlemen

I am returning herewith, without my approval as to sections 8, 28, and 37, Engrossed Substitute House Bill No. 1493 entitled:

"AN ACT Relating to minority and women-owned businesses;"

I commend the Legislature for adopting the important public policy initiatives contained within this bill. The assistance provided to minority and women-owned businesses as a result of this legislation will make a significant difference in the ability of these firms to compete in the state's economy.

I have vetoed sections 8 and 28, both null and void clauses, on technical grounds. Drafting errors were made in the section of the appropriation bill which provided funding for the Department of Trade and Economic Development. The excision of sections 8 and 28 will protect the initiatives in the bill and allow me to correct the technical errors in the budget. I will propose a supplemental budget for the department for consideration in the 1994 session of the Legislature to provide funding for these programs. Until then, the department will lay the groundwork for implementing these programs within existing resources.

My decision to veto section 37 will allow the linked deposit program to proceed by removing the null and void language in this section. I am concerned that there are a number of administrative problems which must be resolved before the program begins operation. These include how the overall size of the program will be coordinated between the Office of the Treasurer and the Department of Community Development, whether Certificates of Deposit can be issued for terms which may be longer than the period which the program is authorized to function, and how the

state will determine whether the intended 2 percent discount for loans has in fact occurred. I am also concerned about the potential for a \$2 million impact on the General Fund as a result of foregone interest earnings. This impact was not considered as a part of the budget package approved by the Legislature.

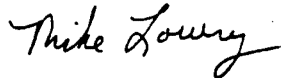
These concerns are eased by assurances I have received from the Office of the Treasurer. In his letter to me, the Treasurer has stated that it may take months to resolve the administrative problems associated with linked deposits and that once these are resolved, additional time will be needed before the program can begin operations. I am satisfied these timing considerations will minimize the negative impacts on the General Fund due to lost interest income in the 1993-1995 Biennium. The Treasurer has also indicated that additional legislation may be needed to clarify provisions in this bill and that consideration should be given to providing staff to establish and monitor the program. The Treasurer's commitment to the success of the linked deposit program ensures that every effort will be made to effectively implement this legislation.

I am committed to an active role in assuring the success of the linked deposit program and will support actions taken by the Treasurer to address the implementation problems that have been identified.

For these reasons, I have vetoed sections 8, 28, and 37 of Engrossed Substitute House Bill No. 1493.

With the exception of sections 8, 28, and 37, Engrossed Substitute House Bill No. 1493 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

**HB 1495**

C 410 L 93

Changing local effort assistance distribution.

By Representatives Dorn, Brough, Ogden, Rayburn, G. Cole, Springer and G. Fisher.

House Committee on Education  
House Committee on Appropriations  
Senate Committee on Education

**Background:** The 1987 Legislature established the Levy Equalization (LEA) Program to assist school districts with above average tax rates due to low property valuations. Payments were to be made so that district taxpayers would not have to pay more than the state average 10 percent rate to raise a district's 10 percent levy.

A monthly payment schedule for levy equalization to the districts was not specified except that 55 percent was to be paid "before June 30" and 45 percent was to be distributed "before December 31" of any year. The Superintendent of Public Instruction adopted administrative rules (WAC) that specified a monthly schedule which included equalization payments due "before December 31" starting with July and August payments of 8.5 percent, a 17 percent total. Because these months are considered the last two months of a school fiscal year, districts incorporated these payments in

their budgets for the "first" year and effectively realized 72 percent of their LEA funds in the first budget period.

The 1992 Legislature amended provisions of the levy statutes including the payment schedule of levy equalization funds (HB 1932). The intent of the change was to match the timing of the flow of revenue to the districts through local tax collections.

The modified payment schedule shifted a portion of payments received by school districts in July and August to October, November and December, effectively moving 17 percent of the revenue out of the first year of school budget period. There were two effects of this provision:

- (1) cash flow was delayed several months, therefore the state treasury would gain from interest on the cash held, and
- (2) districts which built budgets based on the original schedule would find themselves short 17 percent of equalization allocations due to the modified schedule.

The intended overall effect of the combined provisions of HB 1932 was to increase revenues to districts over a maximum of four years.

**Summary:** The state payment schedule for levy equalization allocations is modified to move 17 percent of equalization allocations into August, effectively returning to the money flow schedule that existed before adoption of HB 1932.

**Votes on Final Passage:**

House 98 0  
Senate 48 1

Effective: July 25, 1993

**ESHB 1496**

C 499 L 93

Regulating employment agencies.

By House Committee on Commerce & Labor (originally sponsored by Representative Dellwo).

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

**Background:** State law requires employment agencies to be licensed by the Department of Licensing. The law requires that employment agencies comply with regulations regarding: record-keeping; the form of contracts; bonding; fee amounts; and collection only after the applicant has become employed.

"Employment agency" is defined as any business in which any part of the business income is derived from a fee received from the applicants, and in which any of the following activities are engaged in: (1) the offering, promising, procuring, or attempting to procure employment for applicants; or (2) the giving of information regarding where and from whom employment may be obtained. In addition "employment agency," with some exceptions, includes any person, bureau, employment listing or employ-

ment referral service, organization, or school which for profit and as one of its main objectives or purposes, offers to procure employment for any person who pays for its services, where the main object of the person paying is to secure employment.

The definition of "employment agency" also includes any business that provides resumes to an individual and also provides that person with a list of names to whom the resumes may be sent, or provides that person with pre-addressed envelopes.

A person performing the services of an employment agency without a license may not bring a cause of action seeking relief for services rendered. A person performing the services of an employment agency without holding a valid license must cease operations or immediately obtain a valid license. If the person continues to operate without a valid license, the director or the attorney general has a cause of action for treble damages. A person who pays a fee to an unlicensed employment agency for the performance of employment services has a cause of action against the employment agency and may recover treble damages and reasonable attorney's fees and costs.

In 1991, the Washington State Supreme Court interpreted a 1990 amendment to the employment agency licensing law, which included employment listing services and employment referral services in the definition of employment agency. The court held that, reading the definition as a whole, a business must do more than merely sell a generic job list to be an employment agency. To fall within the definition of employment agency, an employment listing service must offer to procure or attempt to procure employment or provide information about where and from whom employment may be obtained. Employment directories are not considered to be employment agencies.

**Summary:** The definition of "employment agency" is amended. Employment agency means any business in which any part of the income is derived from a fee received from applicants, and in which any of the following activities are engaged in: (1) the offering, promising, procuring, or attempting to procure employment for applicants; (2) the giving of information regarding where and from whom employment may be obtained; or (3) the sale of a list of jobs or persons or companies accepting applications for specific positions, in any form. "Employment agency" includes employment directories.

"Employment agency" also includes any business that provides resumes to an individual and also provides that person with a list of names to whom the resumes may be sent, or provides that person with pre-addressed envelopes, if the list of names or the pre-addressed envelopes have been compiled and are represented by the business as having job openings. Nonprofit schools and colleges, and career guidance and counseling services are specifically excluded from the definition of "employment agency."

A definition is provided for "employment listing service." An employment listing service is defined as a busi-

ness that provides lists of specified positions of employment available with any employer other than itself or that holds itself out to applicants as able to provide information about specific positions of employment available with any employer other than itself, and that charges a fee to the applicant for its services and does not set up interviews or otherwise intercede between employer and applicant. A "career guidance and counseling service" is defined and distinguished from an employment agency.

"Employment directory" means any business that: (1) provides lists of employers; (2) does not provide lists of specified positions of employment; (3) holds itself out to applicants as able to provide information on employment in specific industries or geographical areas; and (4) charges a fee to the applicant for its services. Employment directories are required to be registered with the department but are exempt from the licensing and license fee requirements.

The record-keeping requirements for employment agencies are expanded to include dates job orders or job listings are obtained and subsequent dates job orders or job listings are verified as still being current. Employment listing services and employment directories need not keep records pertaining to the kind of positions accepted by applicants and probable duration of employment as is required from other employment agencies.

The language required from employment listing services and employment directories in the notice that must be included in their contracts is made different than the language required in other employment agency contracts. The notice describes the service offered and the customer's rights.

Employment listing services may impose a fee at the time they provide the applicant with the job listing or referral. An employment directory may impose a fee when it provides the directory. Employment listing services must advertise as employment listing services and not as employment agencies. Employment directory advertisements must disclose that the directory provides information on possible employers and general employment information but does not list actual job openings.

All jobs listed by employment agencies and employment listing services must be bona fide job listings. The job openings listed must be obtained from the employer and must be actual and current. All listings in employment directories must be current. The employment directory must contact the employer at least once per month to verify that the employer is currently hiring.

**Votes on Final Passage:**

House	98	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 25, 1993



**SHB 1497**

C 181 L 93

Adopting the accredited foreign branch campus act.

By House Committee on Higher Education (originally sponsored by Representative Dellwo).

House Committee on Higher Education  
House Committee on Revenue  
Senate Committee on Higher Education

**Background:****DEGREE-GRANTING AUTHORITY REQUIRED**

Generally, before an institution of higher education may operate in Washington, it must receive authorization from the Higher Education Coordinating Board. In addition, before operating a branch campus in Washington, an institution from another state must receive approval from the board.

The board's powers and duties in regulating degree-granting institutions are described in statute. The board is required to adopt minimum standards that govern the operations of these degree-granting institutions. The areas covered by the board's rules include: degree-granting authority, educational quality, unfair business practices, financial stability, and other measures necessary to protect the citizens of the state from substandard, fraudulent, or deceptive practices.

Certain institutions are exempt from the board's regulations. These include state colleges and universities, institutions that offer only noncredit bearing workshops or seminars lasting up to three days, and institutions belonging to an accrediting association recognized by the board. Religious institutions are also exempt, but only for those programs devoted exclusively to religious or theological objectives. A branch campus of a college or university located in another state must be separately accredited to enjoy an exemption from the board's regulations.

Mukagawa University owns and operates a branch campus in Spokane. The board has granted the university an exemption from the regulations governing degree-granting institutions. This exception was based upon two factors: (1) on the branch campus, the university offers courses exclusively to students from the campus in Japan; and (2) the board's regulatory authority was granted to protect Washington residents from substandard education and unfair business practices.

**AUTHORITY TO OPERATE REQUIRED FOR FOREIGN CORPORATIONS**

Before a foreign corporation can transact business in the state, it must obtain a certificate of authority from the secretary of state. The law includes a number of exemptions. It also describes the procedures the corporation must follow in order to obtain and maintain the certificate.

**UNEMPLOYMENT COMPENSATION AND INDUSTRIAL INSURANCE**

Generally, employees of any company operating in the state are covered by state unemployment compensation laws. One exception to this coverage is that nonresident aliens who are temporarily present in the United States as nonimmigrants under federal laws are exempt when they are complying with purposes specified in the applicable subsections of the federal Immigration and Naturalization Act. In addition, with some exceptions, employees of companies operating in the state are also covered by industrial insurance laws, commonly known as "workers comp."

**BUSINESS AND OCCUPATION TAXES**

Institutions accredited by an association recognized by the United States Department of Education, nonprofit and privately endowed institutions, and state colleges and universities do not pay business and occupation taxes on tuition fees. Tuition fees are defined to include laboratory, library, health service, other special fees, and room and board provided exclusively to students or faculty of the institution.

**Summary:****AUTHORITY TO OPERATE**

The Foreign Degree-Granting Institution Approved Branch Campus Act is adopted. A foreign degree-granting college or university that wishes to operate a branch campus in the state must provide the Higher Education Coordinating Board with specified information. The information must prove to the board's satisfaction that the college or university is authorized to operate in its home country. The institution must also indicate to the board that it intends to operate a branch campus in the state. Once this information is accepted by the board, the college or university is approved to operate a branch campus in the state.

An approved branch campus of a foreign degree-granting institution is exempt from the law that requires any degree-granting institution to receive authorization from the Higher Education Coordinating Board to operate. A branch campus of a foreign college or university that has already been exempted from the law may continue to operate. However, within one year the institution must complete the new approval process in order to have its branch campus attain approved status.

**DEFINITIONS**

A foreign degree-granting institution is defined as an institution that is domiciled in another country, and is authorized to operate and to offer academic or professional degrees in its home country. A branch campus is described by the type of sponsoring institution and the type of enrolled student. Students at a branch campus must meet three criteria: they must have already received credit for a course of study completed at the foreign institution in its country of origin; they must receive credit from the foreign institution for courses taken in Washington; and they must return to the country where the foreign institution is located in order to complete or receive their degrees. Defini-

## ESHB 1500

tions for "degree," "approved branch campus" and "board" are also adopted.

### AUTHORITY TO TRANSACT BUSINESS

A foreign degree-granting institution that establishes an approved branch campus is not transacting business solely because it meets three conditions. These are: (1) it controls and owns an incorporated branch campus; (2) it pays tuition, room and board, or capital expenses for the branch campus or its students; and (3) it provides personnel who help students but who do not have the authority to transact business for the corporation.

### UNEMPLOYMENT COMPENSATION AND INDUSTRIAL INSURANCE

Conditions are established for determining which employees of a foreign degree-granting institution are subject to laws governing unemployment compensation and industrial insurance. Under some conditions, employees of a foreign degree-granting institution are considered to be "localized" or "principally localized" in the home country of the institution and, as such, would not receive unemployment compensation or industrial insurance. Employees are considered "localized" or "principally localized" if the employees are considered to be nonimmigrant aliens under federal immigration laws, and their income is exempt from taxation under the provisions of treaties adopted between the United States and the country where the foreign degree-granting institution is located. An institution may establish that the employees' services are principally located in the institution's home country through other means as well.

### BUSINESS AND OCCUPATION TAXES

Tuition fees for an approved branch campus of a foreign degree-granting institution will be exempt from business and occupation taxes if the institution or its branch campus is exempt from the payment of income taxes under federal law.

#### **Votes on Final Passage:**

House 97 0  
Senate 44 0

**Effective:** July 25, 1993

## ESHB 1500

C 313 L 93

Modifying hearing aid regulatory authority.

By House Committee on Health Care (originally sponsored by Representatives R. Johnson, Dyer, L. Johnson and Mastin).

House Committee on Health Care  
Senate Committee on Health & Human Services

**Background:** The Council on Hearing Aids examines applicants for licensure as hearing aid fitters and dispensers, and disciplines license holders for unprofessional conduct. The membership of the council consists of nine persons

appointed by the governor: five are licensed hearing aid fitters-dispensers, including one physician, one nondispensing audiologist, and two persons representing the public. By law, the secretary of the Department of Health or designee is a nonvoting member of all boards.

License holders must file with the department a \$10,000 surety bond or cash deposit or negotiable security running to the state for the benefit of any person injured or damaged by a violation of licensing laws for hearing aid fitters and dispensers.

There is no authority for license holders to place their licenses on inactive status.

**Summary:** The name of the council is changed to Board on Fitting and Dispensing of Hearing Aids. Its membership is reduced to seven persons: two are licensed hearing aid fitters-dispensers without masters degrees in audiology; two are licensed, have experience fitting hearing aids and have a masters degree; one is a medical or osteopathic physician who is an advisory nonvoting member; and two persons representing the public. In the event of a tie, the chair abstains from voting.

The bond number of the license holder must be printed on the invoice for the purchase of a hearing aid.

License holders may place their licenses on inactive status upon the payment of specified fees, in accordance with conditions in rules adopted by the board. For reinstatement, license holders not practicing for five years must retake the practical examination and take continuing education requirements within the previous 12 months. Licenseholders on inactive status from two to five years must also take these continuing education requirements. License holders on inactive status but holding licenses from other states must attest to their knowledge of the current state practice law.

#### **Votes on Final Passage:**

House 98 0  
Senate 46 0 (Senate amended)  
House 97 0 (House concurred)

**Effective:** July 25, 1993

## EHB 1501

C 250 L 93

Notifying students at public institutions of higher education of the amount their education is supported by the state.

By Representatives Silver, Jacobsen, Ballasiotes, Brumsickle, Carlson, Mielke, Talcott, Dyer, Cooke, Hansen, Jones, Quall, Padden and Wood.

House Committee on Higher Education  
Senate Committee on Higher Education

**Background:** In Washington State, tuition is established in statute as a fixed percentage of educational costs. The percentage, which has remained unchanged for a decade, var-

ies according to type of student and type of institution attended.

The educational cost formula used to calculate tuition does not include all state appropriations for higher education. The formula does include 100 percent of state general fund and local fund expenditures for instruction and proportional amounts for support programs. Support programs include libraries, student services, institutional and primary support, and plant operations and maintenance.

For the 1991-93 Biennium, the amount of tuition that students are paying equals about 18.3 percent of the state general fund appropriations for higher education. Many students and their parents do not know how much the state is supporting each student's education.

**Summary:** Beginning on July 30, 1993, the Higher Education Coordinating Board will annually develop and distribute information on the amount of state support received by students at public and private colleges, universities, and proprietary schools. The types of expenditures that may be reported include expenditures included in the cost formula, revenue forgiven from waived tuition and fees, state-funded financial aid awarded to students at public institutions, and certain appropriated amounts not reflected in the educational cost formula.

At least annually, beginning with the fall 1993 academic term, public colleges and universities will provide students in each tuition category with information on the approximate amount of state support they receive. Each private institution will inform its students about the amount of state funded financial aid that is provided to students at that institution. Each institution may use any format appropriate for students, including posters, handouts and information in registration packets.

**Votes on Final Passage:**

House	93	2	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 25, 1993

## SHB 1504

C 411 L 93

Changing the disposition of certain normal school fund revenues.

By House Committee on Capital Budget (originally sponsored by Representatives Wang, Jacobsen, Romero, Wolfe and Morris; by request of Evergreen State College).

House Committee on Capital Budget  
Senate Committee on Higher Education

**Background:** The federal Enabling Act, creating the state of Washington, granted 100,000 acres of land to the state for the establishment and maintenance of state normal schools. The revenues received from the lease or sale of these lands and the income from the sale of timber and

minerals from these lands are to be credited to the normal schools.

Eastern Washington University, Central Washington University, and Western Washington University equally shared one-third of the revenues from the normal school trust lands as they evolved from the state normal schools to the current regional universities. The normal school revenues are used by the universities for capital purposes including payment of bonds used for the construction of buildings on the campuses.

In 1967, The Evergreen State College was created, and it and each of the other three state colleges were to receive a one-fourth share of the normal school trust revenues. However, at that time, Eastern, Central and Western had already pledged a large portion of their trust revenue to pay debt service on bonds used to finance construction of buildings. The reduced share of normal school income caused a hardship on the three institutions. To accommodate this hardship, the Legislature determined that so long as there remained outstanding bonds payable from the normal school trust, The Evergreen State College would not receive any normal school revenues.

Central Washington University's final payment on outstanding bonds payable from normal school trust is 1996, Eastern's final payment is 1997, and Western's final payment is 2002.

**Summary:** The Evergreen State College's one-fourth share of the normal school fund will be phased in over five biennia. Beginning in the 1995-97 Biennium, Evergreen would receive 5 percent of the revenues not obligated to repay bonds and the balance would be shared equally by Eastern, Central, and Western Washington University. Evergreen's share would increase to 10 percent in 1997-99, 15 percent in 1999-2001, 20 percent in 2001-03 and 25 percent on July 1, 2003 and thereafter.

The lands granted to the state for normal schools are for the support of the regional universities and the Evergreen State College.

**Votes on Final Passage:**

House	72	24
Senate	37	9

**Effective:** July 25, 1993

## ESHB 1505

C 454 L 93

Requiring verification of registration of contractors.

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Kremen, King, Lisk, G. Cole, Linville, Springer, Vance and R. Johnson).

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

**Background:** Persons who engage in the construction business are required to register as contractors with the

## SHB 1507

Department of Labor and Industries. Construction contractors are not permitted to advertise, offer to work, submit a bid, or perform work as a contractor unless they are registered.

Construction contractors must include their registration number in certain advertising. Contractors who violate this requirement are subject to a civil penalty of up to \$5,000. If a violation of the advertising requirements occurs, the department or administrative law judge must hold the person who purchased the advertising responsible for the violation.

When cities and counties issue building permits, the permitting agencies are required to verify that the contractor is registered. The statute does not specify a process for verifying the registration number.

Some persons who engage in construction are not required to be registered. The exemptions include persons performing projects of less than \$500, persons working on their own property or on their own residence unless the improvement is made with the intention of selling the improved property, owners of commercial property when the work is performed by the employees of the property owner, and persons licensed under other laws as architects, engineers, electricians, or plumbers, when acting within the scope of the license.

It is a misdemeanor for a contractor who has knowledge of the registration requirements to advertise, offer to do work, submit a bid, or perform work without being registered or with a suspended registration, or to transfer a valid registration to an unregistered contractor. If an unregistered contractor offers to do work, submits a bid, or works as a contractor, it is an infraction subject to civil penalty.

**Summary:** The Department of Labor and Industries and the Department of Revenue are encouraged to coordinate to identify unregistered construction contractors.

Contractors are subject to a civil penalty of up to \$5,000 for using a false or expired registration number in purchasing or offering to purchase an advertisement for which a registration number is required.

Persons selling advertisements should not accept an advertisement that is required to include a contractor registration number if the contractor fails to provide the number.

Cities or counties that issue construction building permits and that fail to verify the contractor registration number are subject to a civil penalty of up to \$5,000. The permitting agency is also responsible for printing the contractor registration number on the building permit and for providing the permit applicant with a written notice informing him or her of the potential risk of using an unregistered contractor.

Verification of a registration number means receiving and duplicating a contractor registration card that is current on its face.

If a building permit is obtained by an applicant who falsifies information to obtain an exemption from contractor registration requirements, the permit is forfeited.

The requirement that a contractor know of the registration requirements before he or she may be found guilty of a misdemeanor for failing to register is changed to delete the "knowledge" requirement. A provision is added making it a misdemeanor for a contractor to use a false or expired registration number in purchasing or offering to purchase an advertisement for which a registration number is required. The violations under the civil infraction authority of the department are amended to include, as infractions, advertising by a contractor without being registered or with a suspended registration, transferring a valid registration to an unregistered contractor or allowing an unregistered contractor to work under another contractor's registration.

### Votes on Final Passage:

House	95	0	
Senate	30	9	(Senate amended)
House			(House refused to concur)
Senate	36	9	(Senate receded)

Effective: July 25, 1993

## SHB 1507

C 314 L 93

Penalizing owners of abandoned, unauthorized, or junk vehicles.

By House Committee on Transportation (originally sponsored by Representatives Zellinsky, Ballard, Chappell, Van Laven, R. Johnson, Campbell, R. Meyers, Springer and Sheldon),

House Committee on Transportation  
Senate Committee on Transportation

**Background:** An unauthorized vehicle is a vehicle which is in violation of the statutory time limits for parking on a specific type of property. A registered tow truck operator who has complied with all impoundment and notification laws has a lien upon a vehicle for the towing and storage charges incurred.

In addition to the lien, a registered tow truck operator has a deficiency claim against the registered owner of the vehicle for towing and storage of the vehicle not to exceed \$300 less the amount bid at auction, and for vehicles over 10,000 pounds gross vehicle weight, the deficiency claim is \$1,000.

**Summary:** The last registered owner of record is presumed liable for the abandonment of a vehicle which has been impounded unless the owner has filed a seller's report or vehicle theft report. If an unauthorized vehicle which



has been impounded is unredeemed, then the last registered owner is guilty of a traffic infraction.

A person must make restitution to the tow truck operator for services rendered prior to the traffic infraction being satisfied.

**Votes on Final Passage:**

House	92	5	
Senate	46	0	(Senate amended)
House	96	1	(House concurred)

**Effective:** July 25, 1993

## SHB 1508

C 253 L 93

Regulating prescription claims for insurance coverage that were initially approved over the telephone or by other means.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Zellinsky and Pruitt).

House Committee on Financial Institutions & Insurance  
Senate Committee on Health & Human Services

**Background:** Disability insurance companies, health care service contractors, and health maintenance organizations (HMOs) issue policies or contracts that include coverage for prescription drugs. Many companies, contractors, and HMOs require approval before a prescription may be filled for certain kinds of drugs. When such prior approval is required but not obtained by the consumer, the company, contractor, or HMO may deny coverage of the drug.

**Summary:** Authorized representatives of disability insurance companies, health care service contractors, and HMOs who initially approve an individual prescription claim, however such approval is indicated, cannot later deny the claim.

Pharmacists and drug dispensing outlets who obtain preapproval of a prescription claim must maintain a record of such approval.

**Votes on Final Passage:**

House	97	0
Senate	45	0

**Effective:** May 7, 1993

## ESHB 1509

### PARTIAL VETO

C 379 L 93

Increasing flexibility of institutions of higher education.

By House Committee on Appropriations (originally sponsored by Representatives Locke, Sommers, Silver, Jacobsen, Ludwig and Bray).

House Committee on Appropriations  
Senate Committee on Higher Education  
Senate Committee on Ways & Means

**Background:**

### PURCHASING, PRINTING AND CONSTRUCTION AUTHORITY

The state Department of General Administration establishes requirements for the purchasing activities of all state agencies, including the institutions of higher education. Agencies are required to purchase from Central Stores and state mandatory contracts. Purchase of other items must comply with the public bid requirements requiring formal, sealed bids for items costing more than \$6,000. The bid requirement threshold for purchases from non-state funds is \$15,000 for institutions of higher education.

The public printer provides all printing, printing supplies, and paper for state agencies. For paper, stock, and binding materials, the public printer charges agencies the purchase price plus 5 percent for handling. The public printer may contract with private sources on behalf of agencies, and may charge agencies up to an additional 5 percent for handling.

Multiple-trade construction projects over \$15,000 at community and technical colleges, and over \$25,000 at four-year institutions, must be publicly bid rather than done by college employees. Single-trade construction projects over \$10,000 at four-year institutions must be publicly bid. A small works roster process may be used to competitively award construction projects costing up to \$50,000 at all higher education institutions. Projects costing more than \$50,000 must be awarded using a formal, publicly advertised, sealed-bid process. The Department of General Administration manages construction projects, including the bid process, at the community and technical colleges.

### TUITION AUTHORITY

Student tuition is comprised of three parts: operating fees; building fees; and student services and activities fees. Revenue from building and operating fees is transmitted to the state treasurer. The treasurer maintains separate operating fees and building fees accounts for each institution. These accounts are subject to appropriation by the Legislature. Interest earnings are retained in the general fund.

The operating fees amounts are established in statute as a fixed percentage of educational costs. The percentage varies according to type of student and type of institution

attended. Building fees are fixed at a dollar amount in statute.

#### **EMPLOYMENT RELATIONS**

The higher education personnel law is administered by the Higher Education Personnel Board (HEPB). The HEPB is responsible for civil service rules, classification for all higher education classified personnel, and collective bargaining procedures for classified personnel. Classified employees have the right to collectively bargain grievance procedures and personnel matters over which the institution of higher education may "lawfully exercise discretion." Because the higher education personnel law administered by the HEPB provides rules for most major personnel functions, collective bargaining is limited. The HEPB is paid for by charges to each institution against the salary base of classified employees.

Certain employees in higher education are exempt from civil service. Exempt employees include faculty, heads of administrative or academic divisions and their principal assistants, and employees involved in research, counseling, continuing education, and graphic arts.

The Public Employment Relations Commission is responsible for the administration of collective bargaining statutes that cover many public employees, such as the employees of cities, counties, municipal corporations, and political subdivisions; public school teachers; academic employees of community colleges; public utility districts; port district employees; and the Washington State Patrol.

#### **Summary:**

#### **PURCHASING, PRINTING AND CONSTRUCTION AUTHORITY**

Institutions of higher education may choose to manage competitive purchasing procedures independently of the Department of General Administration for a commodity or group of commodities. Purchasing policies established independently by institutions must comply with statutes regarding: minority and women's business enterprises; personal services contracts; employee expenses; leases; competitive bidding; equipment inventory requirements; acceptance of gifts by persons making purchasing decisions; purchases from inmate programs; energy conservation requirements for leases; in-state vendor preferences; and state-owned motor vehicles. If an institution can demonstrate to the Office of Financial Management that the costs of compliance are greater than the benefits, then it will be exempted from requirements for: purchases from inmate programs; energy conservation requirements for leases or clean fuel vehicles. Community and technical colleges must continue to purchase engineering and architectural services from the Department of General Administration. Institutions must continue to participate in the state's Risk Management Program, except for the University of Washington which does not currently participate. The institutions are required to develop property disposition policies that are consistent with those of the Department of General Administration.

The requirement to use a formal sealed bid process is raised from \$6,000 to \$15,000 for institutions of higher education. This limit is to be adjusted biennially for inflation by the Office of Financial Management.

Institutions of higher education may choose to perform or contract printing jobs independently of the public printer. If institutions contract with the public printer through an interlocal agreement, the 5 percent handling charges do not apply. Institutions are required to develop vendor selection procedures comparable to those used by the public printer.

Community and technical colleges may use their own employees for construction projects costing up to \$25,000 for multiple-trade projects, and \$10,000 for single-trade projects.

Four-year institutions of higher education, and the Department of General Administration in conducting construction projects at community and technical colleges, may use a small works roster for construction projects costing up to \$100,000.

#### **TUITION AUTHORITY**

Institutions of higher education are required to deposit operating fees in a local account containing only operating fees revenue and related interest. The local accounts are not subject to appropriation by the Legislature.

Beginning in 1995-96, the building fee is changed from a fixed amount to a percentage of total tuition. This percentage will be calculated as the percentage of total tuition that the fixed building fee represents in 1994-95.

#### **EMPLOYMENT RELATIONS**

Bargaining units within the higher education personnel system are given an option to leave the civil service system and have their relationship and corresponding obligations governed by the Public Employees' Collective Bargaining Act (PECBA) as administered by the Public Employees Relations Commission (PERC). The Higher Education Personnel Board (HEPB) or its successor board will continue to administer the civil service system, including collective bargaining over matters within agency discretion, for employees who do not opt out.

The parties choosing to exercise the option will file notice of intent with the HEPB or its successor board and the PERC. The bargaining unit as certified by the HEPB or its successor board will be recognized by the PERC and any union security agreement in effect for that unit will continue to apply to the unit. The scope of bargaining will be governed by the PECBA, and will include wages, hours, and working conditions. However, the scope of bargaining does not include retirement benefits, or health or insurance benefits except for the related cost of these insurances or additional or supplemental health benefits as permitted under health care reform legislation. The option is effective, and the civil service system ceases to apply to the employees in the bargaining unit, when the parties have executed a collective bargaining agreement recognizing the notice of intent.

Compensation for employees who opt out of civil service is appropriated by the Legislature in the same manner as compensation is appropriated for employees still covered by civil service. If a bargaining agreement includes salary increases that are additional to or different from those authorized by the Legislature, the salary base used to calculate future legislative increases may not include these different or additional increases. Bargaining units are authorized to meet with the governor over the compensation amounts that will be included in the governor's proposed budget.

For a period of six months after the option is exercised, charges to institutions of higher education for personnel services will continue to be based on a classified employee salary base that includes any employees who opt out of civil service. After six months, the Office of Financial Management will make across-the-board reductions so that the charge to the institutions does not increase during the biennium unless authorized by the Legislature.

New categories of personnel are made statutorily exempt from civil service, including managerial and professional employees with substantial responsibility for: (1) directing or controlling program operations; (2) formulating institution policy; or (3) carrying out personnel functions, legislative relations, public information, and internal audits.

**Votes on Final Passage:**

House	98	0	
Senate	40	4	(Senate amended)
House			(House refused to concur)

**Conference Committee**

Senate	97	0
House	37	10

Effective: July 1, 1993

**Partial Veto Summary:** The governor vetoed a section which transfers operating funds remaining in institutional operating fee accounts at the end of fiscal year 1993 to institutional local accounts. This veto is of limited effect because the transfer is made by another 1993 law.

**VETO MESSAGE ON ESHB 1509**

May 15, 1993

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen

I am returning herewith, without my approval as to section 406, Engrossed Substitute House Bill No. 1509 entitled:

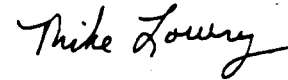
"AN ACT Relating to increasing flexibility of institutions of higher education to manage personnel, construction, purchasing, printing, and tuition."

I am vetoing section 406 of Engrossed Substitute House Bill No. 1509 because of technical reasons. This section attempts to transfer operating funds remaining in institutional operating fee accounts at the end of 1991-93 in the treasurer's office to institutional local accounts. The section does not accomplish the transfer. However, Engrossed Substitute Senate Bill No. 5982 (the tuition increase legislation) does contain language that makes the

transfer. Therefore, I am vetoing section 406 of Engrossed Substitute House Bill No. 1509.

With the exception of section 406, Engrossed Substitute House Bill No. 1509 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

**ESHB 1512**

C 412 L 93

Changing provisions relating to dependent children.

By House Committee on Human Services (originally sponsored by Representatives Brough, Leonard, Chappell, Romero, Veloria, Riley, Karahalios, Horn, Wolfe, Ballasiotes, Talcott, G. Cole, Flemming and J. Kohl).

House Committee on Human Services  
Senate Committee on Health & Human Services

**Background:** When a child is found by the court to be dependent because of abuse, neglect, or a parent's inability to care for the child, he or she is often placed in foster care. For many children, their stay in foster care can last for years. Also, the process for terminating a parent and child relationship can take years, denying the child a permanent home or setting.

In 1991, the Legislature required the Department of Social and Health Services (DSHS) to use a risk assessment tool in child abuse investigations in three offices as a pilot project.

**Summary:** In legal proceedings related to the termination of the parent and child relationship, the judge must consider a parent's use of chemical substances and psychological or mental deficiency which render the parent incapable of properly caring for his or her child. A parent is presumed incapable of remedying the deficiencies which led to the removal of the child from the home if he or she has not made significant progress in correcting his or her deficiencies within 12 months. When the parent of a dependent child is ordered to undergo substance abuse diagnostic, evaluation, and treatment services, the treatment program will inform the court of the parent's progress.

Adults living with a child, developmentally disabled person, or a dependent adult, are required to report severe abuse to Child Protective Services or law enforcement if they are able or capable of making a report. The Department of Social and Health Services is required to use a risk assessment tool when investigating child abuse and neglect referrals. Law enforcement officials conducting child abuse and neglect investigations may request a temporary restraining order against a person with unsupervised visitation rights if they are accused of sexually or physically abusing a child.

## SHB 1518

### Votes on Final Passage:

House	98	0	
Senate	44	0	(Senate amended)
House			(House refused to concur)

### Conference Committee

Senate	47	0
House	98	0

Effective: July 25, 1993

## SHB 1518

C 182 L 93

Creating a water trail recreation program.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Valle, Dunshee, Pruitt, Rust, J. Kohl, Holm, Jacobsen, Linville and Eide).

House Committee on Natural Resources & Parks  
House Committee on Appropriations  
Senate Committee on Ecology & Parks

**Background:** In January 1993, the State Parks and Recreation Commission designated the state's first official water trail. The trail runs from south Puget Sound into the San Juan Islands. The commission designated 12 state parks as part of the water trail. In addition, the Department of Natural Resources has approved the use of eight Department of Natural Resources (DNR) marine recreation sites as part of the same trail.

**Summary:** A state water trail recreation program is created in statute, to be administered by the State Parks and Recreation Commission. The commission is authorized to plan, construct and maintain facilities for water trail activities. The commission may also publish and charge a fee for maps and other forms of public information indicating areas and facilities suitable for water trail activities, and may work with groups who wish to volunteer support for the water trail program.

A Water Trail Advisory Committee is created to advise the commission on matters related to water trails. The advisory committee is made up of public members representing water trail users, public members representing the commercial sector, and representatives of state agencies and local government associations.

A water trail permit system is created, with the fee for an annual permit to be determined by the commission after consultation with the Water Trails Advisory Committee. A violation of the act is considered a civil infraction. The permit fees, fines, and revenues from sales of publications are to be deposited into the water trail program account the state treasury. Moneys in this account are subject to appropriation and may only be spent by the commission for water trail purposes.

### Votes on Final Passage:

House	97	10
Senate	42	2

Effective: July 25, 1993

## SHB 1520

C 380 L 93

Expanding the use of skill centers.

By House Committee on Education (originally sponsored by Representatives Holm, Brumsickle, Wolfe, Chappell, Sheldon, Romero, Dom, Basich, Kessler, Jones, Zellinsky, Pruitt, Brough, Cothem, Riley, King, R. Meyers, Rayburn and Quall; by request of Superintendent of Public Instruction).

House Committee on Education  
House Committee on Appropriation  
Senate Committee on Education

**Background:** Eight secondary vocational skill centers have been established to provide vocational training for high school students. The skill centers are used primarily during the morning and early afternoon, and generally are idle during the late afternoon and evening. At the same time, community colleges have more individuals applying for admission than they can accommodate.

**Summary:** Skill centers are encouraged to operate afternoon and evening programs.

Community colleges are encouraged to contract with skill centers to use the skill center facilities. A community college is not required to count enrollments under these contracts for purposes of the community college's enrollment lid. Skill centers may charge fees to adult students.

### Votes on Final Passage:

House	98	0	
Senate	45	1	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 1993

## HB 1521

C 315 L 93

Funding the state auditor municipal corporation division.

By Representative Valle; by request of Office of Financial Management.

House Committee on Appropriations  
Senate Committee on Government Operations

**Background:** The Municipal Corporations Division of the State Auditor's Office performs audits of local governments and special districts. Historically, certain administrative costs of the division have been funded by the general fund while other division activities have been funded by



the municipal revolving fund. The revolving fund mechanism provides the state auditor with the authority to bill the local governments for the auditing services they receive.

**Summary:** The funding mechanism for the Municipal Corporations Division is modified so that the division will be fully funded by the municipal revolving fund.

**Votes on Final Passage:**

House	96	0	
Senate	35	13	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 1, 1993

**ESHB 1524**

C 1 L 93 E1

**Making supplemental appropriations.**

By House Committee on Appropriations (originally sponsored by Representatives Locke, Silver and Valle; by request of Office of Financial Management).

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. A biennial operating budget was enacted in the 1991 Special Legislative Session and amended in the 1992 Legislative Session.

**Summary:** The 1991-93 Operating Appropriations Act is amended. The general fund-state appropriation not in reserve is increased by \$32 million.

**Votes on Final Passage:**

House	66	30	
Senate	40	5	(Senate amended)
House			(House refused to concur)

**First Special Session**

House	65	32
Senate	29	17

**Effective:** May 18, 1993

**SHB 1527**

C 34 L 93

**Modifying funding of the dependent care program.**

By House Committee on Appropriations (originally sponsored by Representatives Linville and Locke; by request of Office of Financial Management).

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** The Dependent Care Assistance Program allows state employees to set aside a portion of their salary, before taxes, to be used to reimburse dependent care

providers. The federal Internal Revenue Service establishes various limitations on the amount of money that can be set aside and how it may be used. One limitation is that any amounts set aside that are not used by the end of the year are forfeited. Forfeitures are currently transferred to the general fund.

The program is administered by the Committee for Deferred Compensation. Administrative expenses for the program are appropriated from the general fund.

Employers experience a slight cost savings when employees participate in the plan because the employer does not have to pay social security taxes on any salary dollars set aside under the program.

**Summary:** The dependent care administrative account is established to pay administrative expenses of the Dependent Care Assistance Program, rather than having expenses paid through a general fund appropriation.

The following are deposited in the account: (1) Any funds set aside but unused at the end of the year and considered forfeited under the program and (2) charges to agencies for all or a portion of the estimated savings experienced due to reductions in employer social security contributions for program participants.

The Committee for Deferred Compensation is authorized to bill agencies periodically to recoup the employer savings to pay for program expenses.

**Votes on Final Passage:**

House	97	0
Senate	41	3

**Effective:** July 1, 1993

**SHB 1528**

PARTIAL VETO

C 500 L 93

**Modifying the state's cash management system.**

By House Committee on Appropriations (originally sponsored by Representatives Dunshee, Locke and R. Meyers; by request of Office of Financial Management).

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** The state currently uses electronic fund transfers (EFT) for payroll, intergovernmental transfers, and collecting from large taxpayers. Credit cards are accepted by the Convention and Trade Center and institutions of higher education. These methods of funds transfer are authorized by statute.

Agencies may maintain local funds outside of the treasury with the approval of the Office of Financial Management (OFM). Agencies with treasury accounts may also maintain petty cash and lock box accounts outside the treasury for local deposit purposes. Currently, 15 agencies

## ESHB 1529

maintain such accounts with 50 banks. Agencies maintaining local funds and accounts outside of the treasury are responsible for negotiating the service fees and interest rates for their accounts. Fees and interest rates for these local accounts vary widely.

The federal Cash Management Improvement Act of 1990 (CMIA) was enacted to provide equity in the exchange of funds between the states and the federal government. Under the act, if a state draws down federal funds too rapidly, the state will owe the federal government interest earnings. If a state does not receive federal funds quickly enough, the federal government will owe the state interest earnings. CMIA also requires that each state set up a centralized mechanism for reconciling accounts with the federal government. The deadline for state compliance with CMIA has been extended from October 1992 to July 1993.

**Summary:** OFM is authorized to approve, whenever economically feasible, the use of EFT, credit cards, and other electronic means for transfer of funds by state agencies. OFM is directed to adopt rules specifying the manner in which electronic payment methods are available to agencies. The Office of the State Treasurer is directed to coordinate agencies' contracts with credit card companies and acceptance of other payment methods once approved by OFM.

Specific statutory provisions for credit card acceptance by institutions of higher education and the Convention and Trade Center are deleted and specific statutory authority for the use of EFT for direct deposit of payroll is deleted.

The Office of the State Treasurer is responsible for ensuring the effective cash management of public funds, including representing the state in all contractual relationships with financial institutions.

Agencies authorized to create local accounts outside the state treasury are directed to use the services of the state treasurer to ensure compliance with cash management policies established by OFM. Authorization is provided for use of the investment income and treasury income accounts to pay for purchased banking services without appropriation. Purchased banking services include, but are not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies.

To reconcile federal and state accounts and thus comply with CMIA, the treasury income account is authorized to pay or receive funds from the federal government. OFM is to direct the transfer of funds between accounts as necessary to implement the CMIA. No appropriation is required for refunds or allocations of interest earnings required by CMIA.

The state treasurer is required to report to the fiscal committees of the Legislature on January 1, 1995 and January 1, 1996 on the costs, financial benefits, and staffing requirements that result from the enactment of the bill.

### Votes on Final Passage:

House	95	3	
Senate	45	0	(Senate amended)
House	96	1	(House concurred)

Effective: July 1, 1993

**Partial Veto Summary:** The reporting requirements for the state treasurer are removed.

### VETO MESSAGE ON SHB 1528

May 18, 1993

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen

I am returning herewith, without my approval as to section 10, Substitute House Bill No. 1528 entitled:

"AN ACT Relating to cash management;"

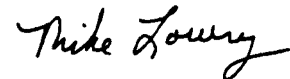
Section 10 of Substitute House Bill No. 1528 requires the State Treasurer to prepare and submit to the Legislature a cost-benefit report on the implementation of this act. While I agree the information generated by such an analysis would be useful, I question the need for a specific statutory requirement for the Treasurer to perform this duty. Of primary concern is that no additional funds were provided to the Treasurer for this function. With agencies facing severe funding and staffing limitations in the coming biennium, the resources available to carry out these kinds of duties will be in short supply.

Also, some of the required study items in section 10 relate to functions assigned to the Office of Financial Management, so the requirement that the State Treasurer submit the report is somewhat misdirected. Much of the information should be developed and submitted jointly by the State Treasurer and the Office of Financial Management. I have, therefore, directed the Office of Financial Management to work with the State Treasurer's office to provide the legislative fiscal committees with progress reports, as needed, on the implementation of this act.

For these reasons, I have vetoed section 10 of Substitute House Bill No. 1528.

With the exception of section 10, Substitute House Bill No. 1528 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

## ESHB 1529

C 316 L 93

Reauthorizing certain timber programs.

By House Committee on Trade, Economic Development & Housing (originally sponsored by Representatives Springer, Morton, Chappell, Holm, Campbell, King, Jones, Basich, Rayburn, Sheldon and Kessler; by request of Office of Financial Management).

**Background:** Economic assistance is provided to timber communities and the timber industry by coordinating state economic development services to timber communities, by providing technical and other assistance to the timber in-

dustry, by increasing financing for economic development-related public infrastructure in timber communities, and by increasing exports from timber communities.

Dislocated timber workers receive extended unemployment insurance, training and tuition assistance, extension of the Basic Health Plan, mortgage/rental assistance, and social services in timber communities.

State efforts are coordinated by an Economic Recovery Coordination Board, an Agency Timber Task Force, and a timber recovery coordinator.

Increased financing for public infrastructure in timber communities is provided through the Community Economic Revitalization Board, the public works trust fund, and the development loan fund. A separate account under the Community Economic Revitalization Board finances 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.

The Economic Recovery Coordination Board, the Agency Timber Task Force, the timber recovery coordinator, and several of the financing programs expire on June 30, 1993.

**Summary:** The Economic Recovery Coordination Board, the Agency Timber Task Force, and the timber recovery coordinator position are extended until June 30, 1995.

The timber programs in the public works trust fund and the Community Economic Recovery Board (CERB) are extended to June 30, 1995. Counties and cities are authorized to use timber funds from CERB for buildings and structures. Unemployment benefits for dislocated timber workers are extended to cover workers who become unemployed through July 1, 1995. Eligible persons may receive benefits for up to 104 weeks, plus five more weeks after the person finishes approved training. An unemployed person from a plant that closes after November 1, 1992, who, for good cause, did not develop a required training plan is allowed additional time to complete the plan.

**Votes on Final Passage:**

House	97	0	
Senate	46	0	(Senate amended) (House refused to concur)

**Conference Committee**

Senate	32	15	
House	67	31	
<b>Effective:</b>	June 30, 1993		(Sections 1 - 9)
	May 12, 1993		(Section 10)

**HB 1530**

C 178 L 93

Providing for continuation of property tax exemptions for senior citizens confined in hospitals and nursing homes.

By Representatives Morris, Foreman, Springer, Ogden, Carlson, Riley, Silver, Leonard, Chappell, H. Myers, Rayburn, Mastin, Thibaudeau, Anderson, Holm, Campbell, Brough, King, Hansen, Jones, Basich, Quall, Conway, Van Luven, Cothem, Long and Finkbeiner.

House Committee on Revenue  
Senate Committee on Health & Human Services  
Senate Committee on Ways & Means

**Background:** Qualifying senior citizens and retired disabled persons are entitled to property tax relief in the form of exemptions and deferrals of taxes on their principal residences. To qualify, a person must own his or her principal residence and be 61 years of age in the year of application, or retired from employment because of a physical disability.

A residence that is rented to others while the owner is in a hospital or nursing home is not considered owner-occupied, and therefore not eligible for property tax relief.

**Summary:** An otherwise qualified senior citizen or retired disabled person who is in a hospital or nursing home remains eligible for property tax relief if the person's residence is rented for the purpose of paying hospital or nursing home costs.

**Votes on Final Passage:**

House	96	0
Senate	44	1
<b>Effective:</b>	April 30, 1993	

**SHB 1532**

C 133 L 93

Creating an interim permit for physical therapist licensure candidates.

By House Committee on Health Care (originally sponsored by Representatives Veloria, Lisk, R. Johnson, Jacobsen, King, Pruitt, Karahalios, Quall, Van Luven, Long, Eide and Anderson).

House Committee on Health Care  
Senate Committee on Health & Human Services

**Background:** Currently there is no authority for a candidate for licensure as a physical therapist, who has taken the licensure examination, to practice while the results of the examination are pending.

**Summary:** With the approval of the Board of Physical Therapy, candidates for licensure as physical therapists, who have taken the licensure examination, may practice under graduate supervision pending notification of the re-

**HB 1535**

sults of the first licensure examination upon the issuance of an interim permit by the Department of Health. The interim permit is limited to a six-month duration. Graduate supervision includes an on-the-premises presence of a physical therapist who consults regarding evaluation, a treatment plan and program, and the progress of each assigned patient.

Practice is also conditioned on consultation and periodic review by physicians, osteopathic physicians, chiropractors, naturopaths, podiatrists and dentists where appropriate. The procedures of the Uniform Disciplinary Act are extended to holders of the interim permit.

**Votes on Final Passage:**

House 96 0  
Senate 45 0

**Effective:** July 25, 1993

**HB 1535**

C 171 L 93

Authorizing counties to charge a fee for juvenile court diversion services.

By Representatives Johanson, Padden, Horn, Wood, Cothorn, Finkbeiner, R. Meyers, H. Myers, J. Kohl, Brown, Shin, Eide, Zellinsky, Thibaudeau, Leonard, Long, Rayburn, Basich and L. Johnson.

House Committee on Human Services  
Senate Committee on Law & Justice

**Background:** Currently there is no authority for the juvenile courts to establish fees for juvenile diversion services. Diversion results from an agreement between the juvenile and the diversion unit whereby the juvenile accused of an offense agrees to fulfill certain conditions in lieu of prosecution. Diversion services may include community service, restitution, counseling, educational or informational sessions and fines.

**Summary:** County legislative authorities may authorize juvenile court administrators to establish fees to cover the costs of administration and operation of juvenile diversion services.

Parents or guardians are liable for the costs of these services based on their ability to pay, and administrators are required to develop a fair and equitable payment schedule. However, no diversion services may be denied because of an inability to pay.

**Votes on Final Passage:**

House 95 0  
Senate 40 4

**Effective:** July 25, 1993

**ESHB 1541**

C 254 L 93

Requiring continuing emergency medical technician training instead of recertification.

By House Committee on Health Care (originally sponsored by Representatives Orr, Flemming, King, Dellwo and Mielke).

House Committee on Health Care  
Senate Committee on Health & Human Services

**Background:** The responsibilities of first responders and emergency medical technicians (EMTs) are regulated by the state. First responders and EMTs are emergency medical personnel who provide basic life-support in emergency situations. First responders have at least 44 hours of training, and EMTs have 110 hours of training. They must be certified by the Department of Health, and recertified thereafter triennially. For the purposes of recertification, both a written and practical examination are given. However, if the applicant has passed a written examination and has completed a program of ongoing training and evaluation, no practical examination is required.

**Summary:** The secretary of the Department of Health is required to prescribe ongoing training and evaluation requirements, as approved by the county medical program director, for first responder and emergency medical technicians. Ongoing training and evaluation requirements are to include an evaluation of individual knowledge and skills.

First responder, emergency medical technicians, or emergency medical services provider agencies may elect a program of continuing education and a written and practical examination instead of meeting the ongoing training and evaluation requirements.

**Votes on Final Passage:**

House 96 0  
Senate 45 0

House (House refused to concur)

**Conference Committee**

Senate 41 0  
House 94 0

**Effective:** July 25, 1993

**SHB 1543**

C 177 L 93

Insuring longshore and harbor workers.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Zellinsky, Mielke, Tate, Dellwo, Scott, Sommers, G. Cole, R. Johnson, Dyer, R. Meyers, Jones and Basich).

House Committee on Financial Institutions & Insurance  
House Committee on Appropriations  
Senate Committee on Labor & Commerce

**Background:** Federal law requires the employers of longshore and harbor workers to obtain workers' compensation coverage for their employees. Longshore and harbor employees currently are not eligible for coverage under the Washington State Workers' Compensation Insurance Program.

In Washington, some employers and employees subject to the federal requirement are unable to obtain insurance through private insurance companies or are unable to self-insure. As a result, the Legislature adopted an insurance plan to provide needed insurance for those employers unable to obtain coverage in the private market. Under the plan, all insurers writing primary and excess workers' compensation insurance and the state Department of Labor and Industries' workers' compensation fund participate in underwriting the losses for such coverage in proportion to each entity's share of the workers' compensation market.

The program is scheduled to expire July 1, 1993.

**Summary:** Operation of the state longshore and harbor workers' insurance plan is extended until July 1, 1995.

The plan is amended to exclude the participation of excess workers' compensation insurers. Liability for plan losses is split equally between private insurers writing longshore and harbor workers' compensation insurance and the state workers' compensation fund. The state workers' compensation fund is authorized to provide reinsurance of the longshore and harbor workers' plan.

**Votes on Final Passage:**

House	98	0
Senate	43	0

Effective: April 30, 1993

## SHB 1544

C 83 L 93

Requiring that criminal penalties set by cities and counties be the same as those set in state law.

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

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** Generally, when the state has enacted a criminal law, local jurisdictions are prohibited from enacting local criminal ordinances with different penalties for the same conduct. There are two reasons why such local laws may be invalid. First, it may be clear that the state has intentionally preempted the field in the area of the conduct in question. Second, equal protection guarantees of the state and federal constitutions will invalidate convictions

under local ordinances that prescribe different penalties for conduct prohibited under a state law.

At least with respect to two state laws covering the same conduct but prescribing different penalties, the state supreme court has rejected equal protection arguments if one of the laws has decriminalized the conduct. The rationale for this holding is that the burden of proof is different under the two laws. Thus, it may be that a local ordinance that decriminalizes conduct which is criminal under state law would not be found to violate equal protection guarantees. If in such a situation the state were also found not to have preempted the field, persons who commit exactly the same acts could receive different treatment depending on whether they are prosecuted under the state law or the local ordinance.

Local criminal ordinances are limited to misdemeanors and gross misdemeanors.

**Summary:** Beginning July 1, 1994, local jurisdictions are prohibited from establishing a penalty for an act that constitutes a crime under state law if the local penalty differs from the state penalty.

**Votes on Final Passage:**

House	96	0
Senate	47	0

Effective: July 1, 1994

## SHB 1545

C 317 L 93

Prohibiting the establishment of new municipal courts.

By House Committee on Judiciary (originally sponsored by Representative Appelwick).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** Cities may operate municipal courts or they may choose to use the services of county district courts. A city and a county may enter into an agreement on the costs to be borne by each party under various arrangements for offering court services. If a city has been operating a municipal court and wishes to terminate the court, the city must first enter into an agreement with the county or with another city that includes payment of a "reasonable amount" by the terminating city. That payment is for the handling of criminal cases that will continue to be generated by the terminating city but that will no longer be handled by the city's own court.

Two separate chapters of law provide optional methods for the creation of municipal courts in cities of under 400,000 population. Under one of these chapters, a municipal court is a part of the county district court in which the city is located. Judges of these municipal courts are judges of the district court. Under the other chapter, the municipal court is a separate entity created by a city and is independent of the district court, although a city may



## SHB 1555

choose to appoint a district court judge as a part-time municipal judge under this chapter.

Under either chapter, municipal courts have exclusive jurisdiction over matters arising under city ordinances. Municipal judges of courts organized under either chapter may be elected or appointed, as determined by the city. Cities of under 400,000 population may choose to operate under either of these two chapters when creating a municipal court.

The city of Seattle, as the only city in the state over 400,000 population, must operate a municipal court under a third chapter of law. Seattle Municipal Court has jurisdiction over matters relating to the enforcement of Seattle ordinances. Judges of the Seattle Municipal Court must be elected.

A municipal court judge in a court that operates as part of a district court must be a resident of the district court district in which he or she serves. The judge must also be either a lawyer, a previously elected or appointed judge, or, in cities of less than 5,000 population, a person who has passed an examination for lay judges. A municipal court judge in a court that operates independently of a district court must be a citizen of the United States and Washington State, and must be either a lawyer or a person who has passed the examination for lay judges. Municipal judges in Seattle must be registered voters in the city and must be lawyers who are not in private practice.

**Summary:** A city may not reestablish a municipal court within 10 years of terminating one. Cities and counties are directed to cooperate in promoting district court efficiency. Renewals of agreements between cities and counties for court services are subject to binding arbitration.

All municipal court judges must be elected, except in cities with less than one full-time equivalent (FTE) judicial position and except for part-time positions of less than one-half FTE in cities with one or more FTEs. An FTE judicial position is defined as one that provides 35 or more hours per week of compensated time. A municipal court judge may reside outside the city as long as he or she resides within the county in which the city is located.

### Votes on Final Passage:

House	55	41	
Senate	41	6	(Senate amended)
House	69	28	(House concurred)

**Effective:** January 1, 1995

## SHB 1555

C 139 L 93

Concerning the use of funds by a public corporation formed by a municipality.

By House Committee on Local Government (originally sponsored by Representatives Springer, Riley, Edmondson,

Zellinsky, Horn, Sheldon, Kremen, Bray, Ludwig and Quall).

House Committee on Local Government

Senate Committee on Government Operations

**Background:** A city, town, county, or port district may create a public corporation to help finance the project costs of industrial development facilities. These public corporations may issue industrial development revenue bonds; construct, hold, lease, or sell industrial development facilities; and make loans for the purpose of providing financing for the project costs of an industrial development facility.

A public corporation is prohibited from commingling funds derived from the sale of revenue bonds, revenue derived from industrial development facilities, or interest on moneys received with funds of the municipality. This prohibition also prevents the public corporation from transferring funds that are not needed for bond debt or for administrative costs to the municipality that created it for growth management, planning, or other economic development purposes.

**Summary:** A public corporation that is created by a municipality to help finance the cost of industrial development facilities may transfer funds to the municipality if the funds are not encumbered for bond payments and are not anticipated to be necessary for administrative expenses. Funds transferred to the municipality may be used for growth management, planning, or other economic development purposes.

### Votes on Final Passage:

House	96	1
Senate	46	1

**Effective:** July 25, 1993

## HB 1559

C 255 L 93

Developing a plan for school-aged child care programs.

By Representatives Brown, Wolfe, Ballasiotes, Flemming, Riley, Kessler, Linville, Thibaudeau, Leonard, J. Kohl, Mastin, Wang, Jones, Pruitt, Karahalios, Campbell, Johanson, Quall, G. Fisher, Cothorn, L. Johnson, Kremen and H. Myers.

House Committee on Human Services

Senate Committee on Health & Human Services

**Background:** Between 1979 and 1990, the real median income of families with children fell by 5 percent. The poorest families experienced a 13 percent decrease in their median incomes. Partly based on declining family household incomes, mothers have steadily entered the work force. In 1970, 39 percent of children had a mother in the work force. By 1990, the proportion of children with mothers working had increased to 61 percent. Many children live in single parent households or households where

both parents are employed. Children living in these households are often not under the care and supervision of an adult, particularly during times school is not in session. Children who are unsupervised before and after school are at greater risk of health and safety problems.

**Summary:** The Child Care Coordinating Council is directed to develop a plan for a statewide system of child care programs for children of school age. The plan will be submitted to appropriate legislative committees by December 1, 1993.

**Votes on Final Passage:**

House	68	30
Senate	38	6

**Effective:** July 25, 1993

## SHB 1560

C 318 L 93

Adopting the uniform interstate family support act.

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Leonard, Karahalios and Johanson).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** The Uniform Enforcement of Support Act (URESAs) creates a mechanism for collection of child support or spousal maintenance when an obligor or obligee leaves the state in which the original order was entered. The act creates civil and criminal remedies to enforce support.

The criminal remedies allow a state to demand that the obligor be extradited to the state trying to enforce support if the obligor is charged with the crime of failing to support a person whom the obligor is ordered to support. A number of requirements apply before a criminal action may be commenced. Apparently, criminal actions and extraditions are rarely used under URESAs.

Support orders are much more commonly enforced using the state's civil procedures. Many procedures have not been changed since 1963. Since that time, congressional legislation has had a major impact upon child support enforcement collection efforts. State laws have been developed to comply with federal laws, with the result that most states have comparable support enforcement statutes. To respond to changes in state and federal laws, the Uniform Law commissioners have developed a new act to improve enforcement of support across state lines. A federal law is also being considered but has not yet passed. The Uniform Law commissioners recommend that the states adopt the new uniform act.

**Summary:** The Uniform Reciprocal Enforcement of Support Act (URESAs) is repealed and replaced with the Uniform Interstate Family Support Act (UIFSA). UIFSA

makes a number of changes to the provisions governing interstate collection of child support or spousal maintenance. A few changes recommended by the Washington State Bar Association have been incorporated into the bill.

### GENERAL PROVISIONS

**Terminology:** Existing terminology in the Uniform Reciprocal Enforcement of Support Act (URESAs) has been retained as much as possible to ease the transition to UIFSA. One change is the substitution of the term "tribunal" for "court." The superior court is the tribunal for judicial proceedings, and the Office of Support Enforcement is the tribunal for administrative proceedings.

**Reorganization:** The act has been reorganized. Within civil proceedings, separate articles have been created for provisions common to all types of actions.

**Reciprocity Not Required:** Reciprocity of laws between states is no longer required. Because all states have quite similar laws, the enacting state should enforce a support obligation irrespective of another state's law. Consistent with past practice, all substantially similar state laws are deemed equivalent to UIFSA for purposes of interstate actions. Any of these acts may be used if different states have different versions in effect, which is intended to ease the transition to UIFSA. Because questions remain about how this provision will work in practice, the effective date is delayed until July 1, 1994.

**Long-Arm Jurisdiction:** The act contains a broad provision for asserting long-arm jurisdiction to give tribunals in the home state of the supported family the maximum opportunity to secure personal jurisdiction over an absent respondent, thereby converting what would otherwise be a two-state proceeding into a one-state lawsuit. Where jurisdiction over a nonresident is obtained, the tribunal may obtain evidence, provide for discovery, and elicit testimony through new provisions designed to facilitate discovery.

### ESTABLISHING A SUPPORT ORDER

**Family Support:** UIFSA may be used only for proceedings involving the support of a child or spouse of the support obligor, and not to enforce other duties such as support of a parent. Under URESAs, child support and spousal support are treated identically. However, under UIFSA, spousal support is modifiable in the interstate context only after such a request is forwarded to the original issuing state from another state.

**Local Law:** URESAs provides that the law for establishment of duties of support is the law of the state where the obligor was present for the period during which support is sought. In other cases, URESAs generally refers to the law of the forum. UIFSA provides that the procedures and law of the forum apply, with some additions or exceptions. For example, visitation issues cannot be raised in child support proceedings, which is consistent with Washington law. The choice of law for interpretation of registered orders is that of the state issuing the underlying support order. If there are different statutes of limitation for enforcement, however, the longer one applies.

**One-Order System:** Under the present URESA, the registering state often asserts the right to modify the other state's registered order. This means that more than one valid support order can be in effect in more than one state. Under UIFSA, continuing, exclusive jurisdiction allows only one support order to be effective at any one time.

**Efficiency:** A number of changes are made to streamline interstate proceedings:

- (1) Proceedings may be initiated by or referred to administrative agencies rather than to courts in those states that use those agencies to establish support orders.
- (2) Initiation of an interstate case in the initiating state is expressly made ministerial rather than a matter of court adjudication or review. Further, a party in the initiating state may file an action directly in the responding state.
- (3) Forms which are federally mandated for use in certain interstate cases must be used in all interstate cases.
- (4) Authority is provided for the transmission of information and documents through electronic and other modern means of communication.
- (5) A tribunal may permit an out-of-state party or witness to be deposed or to testify by telephone conference.
- (6) Tribunals are required to cooperate in the discovery process for use in a tribunal in another state.
- (7) A tribunal and a support enforcement agency providing services to a supported family must keep the parties informed about all important developments in a case.
- (8) A registered support order is confirmed and immediately enforceable unless the respondent files a written objection within 20 days after service and sustains that objection.

**Private Attorneys:** UIFSA explicitly authorizes parties to retain private legal counsel, as well as to use the services of the state support enforcement agency.

**Interstate Parentage:** UIFSA authorizes establishment of parentage in an interstate proceeding, even if not coupled with a proceeding to establish support.

#### **ENFORCING A SUPPORT ORDER**

**Direct Enforcement:** UIFSA provides two direct enforcement procedures that do not require assistance from a tribunal. First, the support order may be mailed directly to an obligor's employer in another state, which triggers wage withholding by that employer without the necessity of a hearing unless the employee objects. Second, UIFSA provides for direct administrative enforcement by the support enforcement agency of the obligor's state.

**Registration:** All judicial enforcement activity must begin with registration of the existing support order in the responding state. However, the registered order continues to be the order of the issuing state, and the role of the responding state is limited to enforcing that order except in the very limited circumstances where modification is permitted.

**Contesting the Order's Validity:** The responding state's tribunal must notify the obligor of the support order by certified or registered mail or by personal service. The

party may request a hearing to contest the order. The failure to contest the validity or enforcement of the order results in confirmation. The party has the burden of proving defenses to enforcement. The defenses may not challenge the order's substantive provisions, only whether the issuing tribunal lacked personal jurisdiction over the party, whether the order was obtained by fraud or has been vacated or stayed, whether the amounts due have been paid, or whether the statute of limitations for enforcement has expired.

#### **MODIFYING A SUPPORT ORDER**

**Registration:** A party, whether obligor or obligee, seeking to modify an existing child support order must follow the same registration procedure that is required for enforcement.

**Modification Limited:** Under URESA, most courts have held that a responding state can modify a support order for which enforcement has been sought. Except under narrowly defined fact circumstances, under UIFSA the only tribunal that can modify a support order is the one having continuing, exclusive jurisdiction over the order. If the parties no longer reside in the issuing state, a tribunal with personal jurisdiction over both parties or with power given by agreement of the parties, has jurisdiction to modify.

#### **PARENTAGE**

UIFSA clearly states that interstate determination of parentage is authorized. It may be accomplished without establishing a support obligation, or contemporaneously to determine parentage and establish support. UIFSA provides no substantive or procedural alterations to existing law of the forum regarding determination of parentage.

#### **AWARD OF COSTS AND FEES**

The petitioner may not be required to pay a filing fee or other costs. If an obligee prevails in a support enforcement proceeding, a responding tribunal may assess against an obligor filing fees, reasonable attorneys' fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligor's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency unless the obligee or agency has acted in bad faith or has violated the provisions of Civil Rule 11 which establishes rules for signing legal documents. The tribunal may also award statutory attorneys' fees. The court may award either party costs and reasonable attorneys' fees in an action to establish or modify support as provided in current law.

#### **Votes on Final Passage:**

House	98	0
Senate	42	1

**Effective:** July 1, 1994

**ESHB 1562**

C 337 L 93

Authorizing local governments to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households.

By House Committee on Local Government (originally sponsored by Representatives Brown, Dellwo, H. Myers, Orr, Mastin and J. Kohl).

House Committee on Local Government  
House Committee on Revenue  
Senate Committee on Labor & Commerce

**Background:** Article VII, Section 2, of the state constitution limits the cumulative rate of regular property taxes that may be imposed on any property in any year to an amount not exceeding 1 percent of the true and fair value of the property. Excess property tax levies may be imposed above the 1 percent limitation.

The limitation on the cumulative rate of regular property taxes is restricted even further by statute:

- (1) The state is authorized to impose regular property taxes to fund K-12 education at a rate not exceeding \$3.60 per \$1,000 of assessed valuation at the state equalized value; and
- (2) The cumulative rate of regular property taxes imposed by other taxing districts, including counties, cities, road districts, and junior taxing districts, may not exceed \$5.90 per \$1,000 of assessed valuation.

The following two regular property tax levies are subject to the constitutional 1 percent limitation, but are not subject to these statutory cumulative rate limitations: (1) Voter approved regular property taxes of up to 50 cents per \$1,000 of assessed valuation for emergency medical service (EMS) purposes may be imposed by a number of different taxing districts; and (2) regular property taxes of up to 6.25 cents per \$1,000 of assessed valuation may be imposed by counties to acquire conservation futures.

**Summary:** Voters of a county, city, or town may approve a ballot proposition authorizing the county, city, or town to impose additional regular property tax levies of up to 50 cents per \$1,000 of assessed valuation for each of up to 10 consecutive years. This tax is above statutory cumulative rate limitations but within the constitutional 1 percent limitation. The additional levies are authorized if the ballot proposition is approved by a simple majority vote.

Prior to imposing these voter approved regular property tax levies, the governing body of the county, city, or town must: (1) declare that a housing affordability emergency exists for very low-income households within its boundaries; and (2) adopt a plan to expend the tax receipts that is consistent with either the locally adopted or state adopted comprehensive housing affordability strategy required under the Cranston-Gonzalez National Housing Affordability Act.

If voters of both a county, and a city or town within that county, authorize this additional levy, the combined rates for the county and city may not exceed 50 cents per \$1,000 of assessed valuation.

If the combined rates of all regular property taxes exceed the 1 percent limitation, provisions are made to reduce, on a pro-rata basis, the conservation futures levy, the new affordable housing levy, and any portion of the EMS levy that is in excess of 30 cents per \$1000 of assessed valuation.

**Votes on Final Passage:**

House	57	41	
Senate	34	6	(Senate amended)
House			(House refused to concur)

**Conference Committee**

Senate	27	20
House	50	47

**Effective:** July 25, 1993

**SHB 1566**

C 413 L 93

Changing who gives notice of estate tax findings filings.

By House Committee on Judiciary (originally sponsored by Representative H. Myers).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** The Estate and Transfer Tax Act of 1988 imposes state taxes on property that is transferred pursuant to an estate's provisions. The person who is required to file the federal and state estate tax return, such as the personal representative of an estate, must file the return with the Department of Revenue, which collects estate taxes. If the personal representative fails to file the return or pay the taxes, the department may make findings regarding the amount of the tax due, the federal credit, the person required to file the federal tax return, and all persons having an interest in property subject to the tax. The department may file its findings with the clerk of the superior court where the probate of the estate is being administered, or in another superior court depending on the decedent's residence.

When the department files its findings with the court, the court clerk must give notice of the filing to all persons interested in the proceedings by posting a notice of the findings at the county courthouse, and by mailing a copy of the notice to all persons having an interest in the property subject to the tax.

**Summary:** The Department of Revenue must give notice of its findings regarding estate taxes to interested persons by mailing a copy of the notice to all interested persons. The department is not required to conduct a search for heirs and is only required to notify persons of whom the

## ESHB 1569

department has received actual notice as having an interest in the proceedings or property, or who are listed in the court file as having an interest if a probate action has been commenced. County court clerks still have the responsibility to post notice of the department's findings at the courthouse, but are not responsible for mailing notice to interested persons.

### Votes on Final Passage:

House	96	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 1993

## ESHB 1569

C 127 L 93

Changing provisions relating to malicious harassment.

By House Committee on Appropriations (originally sponsored by Representatives Appelwick, Veloria, Wineberry, Romero, Wang, Locke, Thibaudeau, Wolfe, Brough, Miller, Leonard, Campbell, Cothem, L. Johnson, J. Kohl and Anderson).

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

### Background:

#### INTRODUCTION

The malicious harassment statute is a criminal statute which is intended to prevent and punish harassment, motivated by bigotry and bias, against people of a certain race, color, religion, ancestry, or national origin, or against people with a mental, physical, or sensory handicap.

#### DEFINITION OF THE CRIME OF MALICIOUS HARASSMENT

A person is guilty of malicious harassment if the person maliciously and with intent to intimidate or harass the victim due to the victim's membership in a protected category:

- (1) injures another person;
- (2) damages or destroys another person's property; or
- (3) by words or conduct, places another person in reasonable fear of injury.

#### 1989 AMENDMENTS TO THE MALICIOUS HARASSMENT STATUTE

In 1989, the malicious harassment statute was amended in two significant ways. First, language was added to provide that "words or conduct" that could place a victim in reasonable fear included cross burnings and defacement of a victim's property with symbols that historically or traditionally have connoted hatred towards the class of which the victim is a member. Second, cross burnings and defacement of the property of the victim or a third person with hate symbols became *per se* violations of the statute. The *per se* provisions relieved the state of the responsibility

to prove that the person intended to maliciously harass the victim or that the victim was afraid.

As a result of the amendments, the state has two avenues for prosecution if the facts involve a swastika placed on the victim's property or a cross burning, whether or not the cross is burned on the victim's property: The state can either prove that the totality of the circumstances indicate the defendant intended to maliciously harass the victim, or the act was a *per se* violation, or both.

#### INCIDENTS CHARGED AS MALICIOUS HARASSMENT AND RELATED COURT RULINGS

In 1991, two separate incidents involving cross burnings occurred in King County. Two superior court judges heard the different cases. Prior to going to trial in both cases, the defendants made motions to dismiss the cases alleging that the malicious harassment statute is unconstitutional. One superior court judge held that the *per se* provision is unconstitutional but that the rest of the statute is constitutional. The other judge held that the entire statute is unconstitutional. Those cases were consolidated on appeal and are pending before the Washington State Supreme Court. The Washington State Supreme Court will also consider the impact of a United States Supreme Court decision invalidating another state's hate crimes statute.

#### OTHER PROVISIONS CONCERNING MALICIOUS HARASSMENT

The statute does not explicitly state whether a person is guilty of malicious harassment if the person harasses someone due to the harasser's mistaken impression that the victim was a member of a protected class. For example, in one celebrated case, the murderer mistakenly believed the family he murdered was Jewish.

Sexual orientation and gender are not included in the list of protected classes.

A victim may file a civil suit against the defendant for malicious harassment. The defendant may be liable for actual damages and punitive damages of up to \$10,000. The statute does not provide for an award of costs or reasonable attorneys' fees.

The Washington Association of Sheriffs and Police Chiefs can monitor the frequency of various crimes. Under a voluntary reporting program, the association has monitored some incidents of crimes of bigotry and bias.

**Summary:** A number of changes are made to the malicious harassment statute to address constitutional concerns and new policy considerations.

#### AMENDMENTS TO ADDRESS CONSTITUTIONAL CONCERNS

**Legislative Findings:** The Legislature makes findings concerning the seriousness of hate crimes. The Legislature finds that historically and traditionally cross burnings have been used to threaten African Americans and swastikas have been used to threaten Jewish people. The Legislature finds that a person who burns a cross or displays a swastika on the victim's property or does so as part of a series of acts that are directed toward a particular victim, knew or



should know that the act may create a reasonable fear of harm in the victim. Finally, the Legislature finds that gender based hate crimes can be identified in the same way that other hate crimes are identified.

**A New Definition of Harassment:** The definition of malicious harassment is revised. The list of words or conduct that may violate the statute is deleted. The state must prove that the defendant maliciously and intentionally threatened the victim. The victim must be placed in reasonable fear of harm. "Reasonable fear" is defined to mean the fear that a reasonable person would experience under all the circumstances. A "reasonable person" is a person who is a member of the class of which the victim is a member. Words alone do not constitute malicious harassment unless the context or circumstances surrounding the words indicate the words are a threat. Threatening words do not constitute malicious harassment if it is apparent to the victim that the person does not have the apparent ability to carry out the threat. Evidence of expressions or associations of the accused may not be introduced as substantive evidence at trial unless the evidence specifically relates to the crime charged or unless the evidence is used to impeach a witness.

**Per Se Provisions Stricken and Replaced with a Reasonable Inference Provision:** The "per se" language is stricken and replaced with a provision that the trier of fact may draw a reasonable inference that the defendant intended to threaten the victim if the defendant:

- (1) burns a cross on the property of a victim who is or who the actor perceives to be of African American heritage; or
- (2) defaces the property of a victim who is or who the defendant perceives to be of Jewish heritage by defacing the property with a swastika.

The state bears the burden of proof beyond a reasonable doubt on all elements of the crime. Even if the facts do not support a reasonable inference, the state may still prosecute a defendant if the totality of evidence indicates that the person intended to threaten the victim and the victim was placed in reasonable fear of harm.

#### CLARIFYING LANGUAGE

The law is clarified in three ways: (1) It is not a defense that the defendant was mistaken about the person's membership in a protected class; (2) it expressly provides that a person who commits another crime during the commission of malicious harassment may be punished and prosecuted for the other crime separately; and (3) the term "another person" means the victim as well as any other person the defendant injures or harasses.

#### NEW POLICY PROVISIONS

Gender and sexual orientation are added to the list of protected categories under the act. Sexual orientation means heterosexuality, homosexuality, or bisexuality.

In a civil action, the plaintiff may be awarded reasonable attorneys' fees and costs, as well as actual damages, and punitive damages up to \$10,000.

#### DATA COLLECTION

The Washington Association of Sheriffs and Police Chiefs must establish a central repository of information regarding malicious harassment. The association must summarize the information and annually report to the governor, the Senate Law and Justice Committee, and the House Judiciary Committee.

#### LAW ENFORCEMENT TRAINING

The Criminal Justice Training Commission must train law enforcement officers to identify, respond to, and report crimes of malicious harassment and bigotry and bias.

#### ADDITIONAL CIVIL RIGHTS NOT CREATED UNDER THE ACT

Nothing in the act confers or expands any civil rights or protections to any group or class identified in the statute beyond those rights or protections that exist under the federal or state constitutions or the civil laws of the state of Washington.

#### Votes on Final Passage:

House	85	12	
Senate	29	20	(Senate amended)
House	84	12	(House concurred)

Effective: July 25, 1993

## SHB 1578

C 31 L 93

Revising provisions relating to offenders under the jurisdiction of the department of corrections.

By House Committee on Corrections (originally sponsored by Representatives L. Johnson, Morris, G. Cole, Padden, Riley, Edmondson, Mastin, Johanson, Jones, Basich, King, Valle, Campbell, Long, Shin, Springer, Karahalios, Roland, Rayburn, Conway, Kremen, Ogden, Cothorn and H. Myers; by request of Department of Corrections).

House Committee on Corrections  
Senate Committee on Law & Justice

#### Background:

#### TRACKING FELONY CASES

The Department of Corrections is required to maintain information about convicted felons, including felons under Washington jurisdiction pursuant to interstate compact agreements. Tracking begins at the time the department receives a disposition from the prosecuting attorney. Information collected includes a felon's criminal records from the time of conviction through the completion of sentence.

#### COMMUNITY SANCTIONS

When an offender is absent from a community sanction without permission, the court must establish the date for tolling the sentence. The tolling date is based on reports provided to the court by the Department of Corrections.

Offenders with sentences that include community supervision, community service, community placement, or legal financial obligations must pay a supervision fee. Ad-

ditional community sanctions, such as electronic monitoring, telephonic reporting and day reporting, are not specifically identified in statute.

#### CONDITIONAL RELEASE FOR THE CRIMINALLY INSANE

Until 1981, corrections was a program under the umbrella of the Department of Social and Health Services; the criminally insane statute contains references to this repealed agency structure.

Individuals who are legally determined to be criminally insane may be conditionally released by the court to the Department of Corrections. Until a conditional release is granted, the individual is under the jurisdiction of the Department of Social and Health Services. If regular or periodic medication or other medical treatment is a condition of release, the court requires the individual to report to a physician or other person for medication or treatment. In addition to other required reports, the physician or other person must immediately, upon the released person's failure to appear for medication or treatment, report the failure to the court and to the prosecuting attorney of the county in which the released person was committed.

A physician treating a conditionally released person must regularly or periodically submit reports to the court, the secretary of the institution from which the individual is released, and the prosecuting attorney of the county in which the person was committed. The report must state that the person is adhering to the terms and conditions of the release.

When a conditionally released person is required to report to a physician, probation officer or other individual on a regular or periodic basis, the physician, probation officer, or other such person must submit to the court, the secretary, the institution from which released, and to the prosecuting attorney of the county from which the person was committed, a monthly report or a report as directed by the court stating whether the person is adhering to the terms and conditions of the conditional release.

If a person on conditional release disappears, the superintendent must notify, as appropriate, local law enforcement, other governmental agencies, the person's relatives and other appropriate individuals of the disappearance.

Each person conditionally released by the court must have his or her case reviewed by that court no later than one year after the release and no later than every two years after that. Reviews may occur in a shorter time or more frequently as determined by the court in its discretion on its own motion or on motion of the released person, the secretary or the prosecuting attorney. The sole purpose of the review is to determine whether the individual may continue to be conditionally released.

If the prosecuting attorney, the secretary, or the court believe that the conditionally released person is failing to adhere to the terms and conditions of the conditional release, the court or the secretary may order the person taken into custody until a hearing can be scheduled to determine

whether the conditional release should be revoked or modified. Either the prosecutor or the conditionally released person has the right to ask for an immediate mental examination of the conditionally released person. If the conditionally released individual is indigent, the court or secretary must, upon request, assist the person in obtaining a qualified person to conduct a mental examination.

The secretary, upon application by the conditionally released person, must determine whether or not reasonable grounds exist for a final discharge.

All records and reports concerning criminally insane individuals may only be released upon request to: the committed person, his or her attorney, his or her personal physician, the prosecuting attorney, the court, the protection and advocacy agency, or other expert or professional person who, upon proper showing, demonstrates a need for access to such records. These records and reports shall also be made available to the Department of Corrections and the Indeterminate Sentence Review Board if the person was on parole or probation at the time of detention, hospitalization, or commitment, or the person is subsequently convicted for the crime for which he or she was detained, hospitalized, or committed.

#### Summary:

#### TRACKING FELONY CASES

The requirement for the Department of Corrections to track convicted felons is clarified to include only those convicted felons sentenced for longer than one year or otherwise under the department's supervision or jurisdiction.

#### COMMUNITY SANCTIONS

When an offender is absent from a community sanction without permission, the Department of Corrections is responsible for establishing the date for tolling the sentence. The department is also responsible for keeping track of absences from both confinement and community sanctions.

Offenders with the ability to pay for these special services including electronic monitoring, day reporting, and telephone monitoring, are assessed a fee. The department is authorized to pay for these services for indigent offenders.

#### CONDITIONAL RELEASE OF THE CRIMINALLY INSANE

The sections of statute covering criminally insane persons on conditional release are clarified to reflect a separate Department of Corrections. Reporting requirements involving the released person are modified.

When a criminally insane person is conditionally released by the court and the person is required to report to a community corrections officer, the release order must specify that the conditionally released person is under the supervision of the Department of Corrections. While under the supervision of the department, the conditionally released person must follow the instructions of the department which include: reporting to the community

corrections officer, remaining in prescribed geographical boundaries, and reporting any changes in address or employment.

If the court determines that regular or periodic medication or treatment is a condition of the person's release then the court must require the person to report to the treating professional. If the person fails to appear for medication and treatment, the treating professional must immediately notify the court and the prosecuting attorney in the county of commitment. In addition, the supervising community corrections officer must also be notified.

The reporting requirements of the individuals who deal with the conditionally released person are modified. Unless the court determines otherwise, the physician, community corrections officer, medical or mental health practitioner, or any other person must report monthly for the first six months and semiannually after that, to the court, the secretary of the institution from which released, and the prosecuting attorney, regarding whether the released person is adhering to the terms and conditions of the conditional release.

Responsibility for notice is clarified if a committed person escapes from the institution or if a person on conditional release disappears. Either the Department of Social and Health Services or the Department of Corrections must, as appropriate, notify law enforcement, other governmental agencies or other individuals as necessary, to preserve public safety or assist with the apprehension of the committed or conditionally released person.

After the first year on conditional release, the released person's case must be reviewed and a review conducted every other year after that. In addition to the court, the prosecuting attorney or the conditionally released person, the secretary of the Department of Social and Health Services, the secretary of the Department of Corrections and the medical or mental health practitioners may make a motion to the court to review the case in a shorter period of time or more frequently.

Clarification is made with respect to who may revoke a person's conditional release. In addition to the court, the prosecuting attorney, or the secretary of the Department of Social and Health Services, and the secretary of the Department of Corrections may also order the conditionally released person taken into custody for failure to adhere to the conditions of release.

Upon the person's application requesting discharge from the institution or conditional release, the secretary of the Department of Social and Health Services may consider reports and evaluations from professionals familiar with the case as well as reports filed pursuant to statute.

If the secretary approves the final discharge, the person is then authorized to petition the court and prosecuting attorney. A hearing shall be scheduled within 45 days unless good cause is shown. The petitioner or prosecuting attorney may demand a jury. The burden of proof is on the petitioner to show by a preponderance of the evidence that

the petitioner no longer presents, as a result of a mental disease or defect, a substantial danger to others or a likelihood of committing other felonies.

The community corrections officer is added to the list of people who may have access to the committed individual's records and reports.

**Votes on Final Passage:**

House	96	0
Senate	39	0

**Effective:** July 25, 1993

## SHB 1580

C 414 L 93

Requiring strategies to shorten time to degree and improve graduation rates.

By House Committee on Higher Education (originally sponsored by Representatives Quall, Brumsickle, Jacobsen, Bray, Rayburn, Finkbeiner, Kessler, J. Kohl, Shin, G. Fisher, Springer, Romero, R. Johnson, Linville and Basich).

House Committee on Higher Education  
Senate Committee on Higher Education

**Background:** As part of its effort to assess student outcomes in public higher education, the Higher Education Coordinating Board (HECB) has undertaken two studies of student graduation rates. One study is still on-going. In the other study, which has been completed, the board worked with the state institutions of higher education to track the graduation rates of students who entered a Washington public community college, college or university in the fall of 1984. The board found that by the end of a six year period, 51 percent of the 1984 entering class had graduated. Only 4 percent were still enrolled after that period indicating that the graduation rate was not likely to increase very much in subsequent years. The board found that these rates compared favorably with rates in other states, where graduation rates after six years were generally below 50 percent at public colleges and universities.

In its study, the board found that graduation rates varied for students from different ethnic backgrounds. At the end of six years, 58.5 percent of Asian-Americans, and 56.6 percent of Caucasian students had graduated. By the end of those six years, 37.3 percent of Hispanic students, 28.1 percent of African-Americans, and 27.5 percent of American Indian students had graduated.

A 1989 study by the National Association of Independent Colleges and Universities had somewhat similar findings. Only 15 percent of students at four-year colleges graduated within four years, and fewer than 50 percent completed a bachelor's degree after six years. The study found that the six year completion rate for students at private colleges was 54 percent; the rate for students attending public colleges was 43 percent.

## SHB 1582

The research director for the 1989 study identified several reasons for high dropout rates and the extended amounts of time students were taking to obtain degrees. He stated that some students were attending part-time because they had to work to pay their bills. Others take fewer classes in order to earn the good grades necessary to enter graduate and professional schools. His study found that students who received federal grants were much less likely to have dropped out of school after their first year than students who received no grant money.

**Summary:** The Legislature finds that public colleges and universities should offer classes in a way that will permit full-time students to complete a degree or certificate in about the amount of time described in the institution's catalog as necessary to complete that degree or certificate.

By May 15, 1994, each public college and university, as part of its strategic plan, shall adopt strategies designed to improve graduation rates and shorten the time required for students to complete degree or certificate programs.

By May 30, 1994, each four-year institution will forward their strategies to the Higher Education Coordinating Board for its review and comment. Community and technical colleges will forward their strategies to the state Board for Community and Technical Colleges for the same purpose. By September 30, 1994, the state Board for Community and Technical Colleges will forward to the HECB a report on strategies adopted by its colleges.

The HECB will report to the Legislature on strategies adopted by the public system of higher education to improve graduation rates and shorten the time needed to complete a degree or certificate. The report will include recommendations for any legislation needed to assist institutions with their implementation efforts. Beginning with the fall 1995-96 academic term, each institution shall begin implementing its strategies.

An institution of higher education may enter into a student progression understanding with an interested student. The terms of the understanding will permit a student to obtain a degree or certificate within the standard period of time assumed for a full-time student pursuing that degree or certificate. Usually, the standard period of time will be about two years for an associate of arts degree and about four years for a baccalaureate degree. The failure of an institution of higher education to fulfill its obligations under the understanding will not give rise to any cause of action on behalf of any student.

### Votes on Final Passage:

House	98	0	
Senate	49	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 25, 1993

## SHB 1582

C 455 L 93

Permitting certain transactions by insurance agent-brokers.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Zellinsky, Mielke, R. Meyers, Dellwo, Campbell, Dorn, Dyer and Basich).

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

**Background:** Some agents and brokers hold dual agent/broker licenses. When such persons are placing business with an insurance company that has appointed the person as an agent, the person may only act in an agency capacity and may not act as a broker to place business with the company. As a result, if the insurance company markets a particular insurance product that is authorized for sale by brokers only, the company's agents are unable to place the business even if the agents are also licensed brokers.

**Summary:** With the approval of the insurer, an agent of the insurer who also holds a broker's license may place business with the insurer on a brokerage basis if a full disclosure of such circumstances are made to the insured or applicant for insurance.

### Votes on Final Passage:

House	97	0
Senate	42	0

**Effective:** July 25, 1993

## SHB 1587

C 173 L 93

Helping single parents obtain a higher education.

By House Committee on Higher Education (originally sponsored by Representatives Ogden, Wood, J. Kohl, Jacobsen, Former, Quall, Ludwig, Pruitt, Jones, Basich, King, Johanson, Thibaudeau, R. Meyers, Kessler, Bray, Dorn, Karahalios, Roland, Eide, Sheldon, Kremen, Finkbeiner, Veloria, Morris, Hansen, Leonard, Van Luven, H. Myers and L. Johnson).

House Committee on Higher Education  
Senate Committee on Higher Education

**Background:** According to a study commissioned by the Rockefeller Foundation, single parent college students have a variety of financial and other needs. These include money for tuition, books, basic living expenses, basic health care, safe and affordable child care, and housing.

Washington provides financial assistance to needy students, including single parents, through a variety of programs. These programs attempt to cover each student's educational costs, but are normally based on the needs

profile of an average student. If a financial aid package is not sufficient to cover a student's financial needs, the student must request additional funds from the institution's financial aid office. Often, the office does not have enough money to cover those extra expenses, so the student must accept a loan, find additional work, or manage without additional funds.

One source of financial aid at public colleges and universities is money in the institutional long-term loan fund. Of the revenue collected from tuition and services and activities fees, 2.5 percent is deposited in the fund. The fund was originally created to provide long-term and short-term loans to needy resident students. Any monies that are not used for loans may be directed to institutional operating budgets or to locally administered financial aid programs. When the monies in the fund are used for financial aid, priority is given to needy students with excessive loan burdens. Technical colleges do not have institutional long-term loan funds.

At most colleges and universities, a basic financial aid award may include a minimal grant for child care. Since the fall of 1990, the state Need Grant Program has provided a child care grant of \$400 per year for full-time students and \$200 per year for part-time students. The federal Pell Grant also provides some child care assistance. However, financial aid administrators report that these amounts, while helpful, will only cover about one-half the child care costs needed for one child during an academic year. These two financial aid programs are the only programs that recognize the costs associated with child care.

**Summary:** When determining financial aid awards from an institutional long-term loan fund, each institution of higher education will give second priority to needy single parents. The awards are intended to assist single parents with their educational expenses, including expenses associated with child care and transportation.

Monies in an institutional long-term loan fund may not be transferred to an institutional operating budget.

**Votes on Final Passage:**

House	98	0
Senate	43	1

**Effective:** July 25, 1993

## SHB 1595

C 319 L 93

Concerning elected officials as members of the public employee retirement system.

By House Committee on Appropriations (originally sponsored by Representatives Bray, Ballard, Peery, Ludwig, Locke, Finkbeiner and J. Kohl).

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** Elected officials have the option of applying for membership in the Public Employees' Retirement System (PERS) during their term of office. In some cases, an elected official in PERS can retire and begin to receive a pension while remaining as an elected official. The member signs a statement agreeing to forgo any claim for service credit in PERS for future periods of time as an elected official.

However, the ability for PERS members to retire but continue serving in an elective office applies only to elected officials of towns or cities, and only to those whose compensation as an elected official is less than \$10,000 a year.

**Summary:** The ability for members of the Public Employees' Retirement System (PERS) who are in an elective office to retire but continue serving in the elective office is extended to any elected official, not just to those from towns or cities. This ability is limited to those whose compensation as elected officials at the time of their retirement is less than \$15,000 annually. This amount will be adjusted annually for inflation by the director of the Department of Retirement Systems.

**Votes on Final Passage:**

House	98	0
Senate	42	2

**Effective:** July 25, 1993

## SHB 1602

C 416 L 93

Changing election provisions for regional committee members.

By House Committee on Education (originally sponsored by Representatives Chappell, Cothorn and Thomas; by request of Superintendent of Public Instruction).

House Committee on Education  
Senate Committee on Education  
Senate Committee on Ways & Means

**Background:** There are nine educational service districts (ESDs) in the state that provide services to school districts.

Each of these ESDs has a "regional committee" that is responsible for hearing and making decisions regarding proposed school district boundary changes. Regional committees also make equitable adjustments in assets when boundaries are changed, and are involved in decisions regarding sharing the costs of high school construction with non-high school districts. Decisions made by regional committees may be appealed to the State Board of Education.

Seven to nine members serve on the regional committees, and committee members serve five-year terms. The election of members is staggered, with a portion of the committee up for election each year. School board directors in the ESDs elect the regional committee members.



## SHB 1612

In order to reduce unnecessary work, the superintendent of public instruction has recommended that regional committee member elections be held every two years instead of each year.

**Summary:** Regional committee member elections shall be held every two years instead of each year. The term for regional committee members is reduced from five to four years.

A process for implementing the change is provided.

### Votes on Final Passage:

House	96	0	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** September 1, 1994

## SHB 1612

C 88 L 93

Testing the feasibility of remote site incubators for salmon enhancement.

By House Committee on Appropriations (originally sponsored by Representatives Morton, King, Basich, Kremen, Sheldon, Foreman, Fuhrman, Chandler and Padden).

House Committee on Fisheries & Wildlife  
House Committee on Appropriations  
Senate Committee on Natural Resources

**Background:** A person can incubate salmon eggs in a small device called a remote site incubator. Smaller than a garbage can, it may be packed into small streams which are otherwise inaccessible. Eggs that are in the incubator receive a constant supply of fresh water from the stream. Fry that hatch out move directly into the stream.

The Department of Fisheries has used several of these incubators, but has not evaluated their success.

**Summary:** The Department of Fisheries is directed to develop and implement a pilot project in one or more watersheds to test remote site incubators, and to evaluate salmon egg survival, fry survival, and adult returns. The department must use volunteers to implement the pilot project. The department is directed to report to the Legislature by December 31, 1993, and each year for the following four years, on the progress and success of the remote site incubators.

This act is null and void because funding was not provided through the omnibus appropriations act.

### Votes on Final Passage:

House	98	0	
Senate	47	0	

**Effective:** July 25, 1993

## EHB 1617

C 381 L 93

Planning high-speed ground transportation.

By Representatives R. Fisher, Chandler, Schmidt, Eide, Johanson, J. Kohl, Kremen, Cothem, Jacobsen, Brough, Pruitt, Thomas, R. Meyers, Miller, Shin, Karahalios, Locke, Finkbeiner, Ogden, Quall, Orr, Wineberry, Veloria, Wood, H. Myers, L. Johnson and Anderson.

House Committee on Transportation  
Senate Committee on Transportation

**Background:** The 1991 Legislature directed that a study be undertaken to evaluate the feasibility of a high speed ground transportation system in Washington State capable of providing service at speeds of at least 150 miles per hour. The study was to address the economic feasibility of developing such a system, as well as land use and economic development impacts, the necessary institutional structure to develop such a system, and system financing.

The study was guided by a 23-member steering committee and staffed by the Department of Transportation and by consultants.

The study concluded in an October 1992 report that a high speed rail system was feasible in Washington. The report recognized that a high speed system connecting Vancouver, B.C. and Portland, Oregon, and Seattle and Spokane, required a significant resource commitment in the range of \$14 billion to \$20 billion, in 1992 dollars. Thus, the report recommended incremental upgrading of existing rail service while the long range high speed rail passenger plan is developed.

**Summary:** A program to begin implementation of a high speed ground transportation system in Washington is established. The program is to be implemented by the Department of Transportation in cooperation with the Utilities and Transportation Commission and affected cities and counties. The department is directed to incrementally upgrade existing rail passenger services through depot improvements, grade crossing and track improvements, and service enhancements contracted with Amtrak. Local support for intercity rail service is encouraged, as are intermodal considerations.

The department is to develop an incremental and a long range rail passenger plan through the conduct of studies to refine ridership estimates, corridor location and environmental analyses; station location assessments, coordination with state air transportation policy, and coordination with Oregon and British Columbia.

### Votes on Final Passage:

House	90	5	
Senate	40	2	(Senate amended)
House	92	5	(House concurred)

**Effective:** July 1, 1993

**HB 1618**

C 142 L 93

Terminating defunct boards, commissions, and committees.

By Representatives Shin, Wood, Forner, Pruitt, Sheldon, Brough, Ballasiotes, Brumsickle, Carlson, Vance, Jones, Foreman, Padden, Fuhrman, Sheahan, Schoesler, Miller, Campbell, Casada, Long, Jacobsen, Stevens, Linville, Kremen, Silver, Finkbeiner, Morton, Talcott, Horn, Sehlin, Tate, Van Luven and Anderson.

House Committee on State Government  
Senate Committee on Government Operations

**Background:** The Agricultural Labor Advisory Committee was created in 1989 to develop recommendations on labor standards for the employment of minors in agriculture. The recommendations were developed and the Department of Labor and Industries has adopted rules implementing the recommendations. The committee is now inactive.

The Business License Center Board of Review was created to provide policy direction to the Department of Licensing in establishing and operating the business registration and licensing system. The board has been inactive since the late 1980s.

The Columbia Interstate Compact Commission was created in 1965 to negotiate an interstate compact with Idaho, Montana, Oregon, Utah, Nevada, and Wyoming on the use of water in the Columbia River and its tributaries. No agreement was reached, and the commission has been inactive for over a decade.

The Economic Development Board was created to develop a long-term economic development plan to spur new job creation and investment consistent with preserving the state's environment and quality of life. The plan, Washington Works Worldwide, was completed in 1988 and the board has been inactive since 1990.

The Joint Select Sunset Review Committee was created in 1977 to monitor and modify the schedule of sunset reviews conducted by the Legislative Budget Committee. The Sunset Review Committee has not met since the late 1980s.

The Energy Strategy Advisory Committee was created in 1991 to develop a state energy strategy. The final report has been submitted to the Legislature, and the committee is no longer meeting.

**Summary:** The following defunct boards, commissions, and committees are repealed: The Agricultural Labor Advisory Committee; the Business License Center Board of Review; the Columbia Interstate Compact Commission; the Economic Development Board; the Joint Select Sunset Review Committee; and the Energy Strategy Advisory Committee.

**Votes on Final Passage:**

Senate 98 0  
House 45 0

**Effective:** July 25, 1993

**SHB 1619**

C 382 L 93

Creating the Washington Task Force on International Education and Cultural Exchanges.

By House Committee on Higher Education (originally sponsored by Representatives Shin, Jacobsen, Campbell, Finkbeiner, Sheldon, J. Kohl, Wood, Schoesler, Veloria, Dorn, G. Cole, Forner, Wineberry, Heavey, Edmondson, Cothern, Long, Horn, Pruitt, Quall, Basich and King).

House Committee on Higher Education  
House Committee on Appropriations  
Senate Committee on Higher Education

**Background:** Washington's economy is increasingly dependent on international trade. In 1990, a study by the International Education Subcommittee of the House Higher Education Committee found that three out of every five university graduates in this state will work directly in a field that involves international trade. It also found that there is an increasing perception among educators that international activities and programs are essential to the academic mission and to the future.

Through survey results, the subcommittee concluded that the efforts of colleges and universities to increase the global awareness of students and faculty varies greatly among institutions. The public four-year colleges and universities were far more extensive in the level and variety of intercultural programs and courses offered than were the community colleges. For example, the number of formal study abroad programs available to students in the four-year institutions ranged from 12 at Central Washington University to 85 at the University of Washington. All six institutions had reciprocal placements for foreign students within their study abroad programs. In contrast, community colleges varied from no study abroad programs available to students to five programs available to students at Highline and Spokane Falls community colleges. Opportunities for faculty exchanges were also greater at the four-year institutions than at community colleges.

**Summary:**

**TASK FORCE ESTABLISHED**

The Washington Task Force on International Education and Cultural Exchanges is established. The members may include persons from a broad array of government, education, cultural, and business interests. These include: the Legislature, Native American tribal representatives, local government, agriculture, education, higher education, business, labor, state agencies, and cultural exchange organizations.

## EHB 1621

The Higher Education Coordinating Board will administer the task force with the assistance and support of the Superintendent of Public Instruction, the Department of Trade and Economic Development, other state agencies, and institutions of higher education. The board will select members of the task force. In making its selections, the board will select members from diverse cultural backgrounds and will strive to promote geographic balance. The board may accept grants and gifts to facilitate the work of the task force.

### PURPOSES OF TASK FORCE

The 12 purposes of the task force are described. These include recommending policies, programs, and activities that will help to ensure that students at all educational levels have an education that includes an understanding of the languages, culture, traditions, history and government of peoples of and from other lands and other indigenous cultures. The task force will recommend ways to promote and coordinate cultural exchanges, complete and disseminate a survey of higher education on international education and multicultural issues, and gather information about sister and other relationships between local governments and governments in other lands. In addition, the task force will recommend ways to enrich the experience of international students and students from other indigenous cultures in Washington's schools and colleges, and will recommend the feasibility of requiring coursework in some aspect of international and multicultural education as a condition of teacher certification and high school and college graduation. The task force will also recommend collaborative structures to facilitate the development of international and multicultural education and cultural exchanges, and will identify funding methods to ensure a sustained investment in international and multicultural education.

### REPORTS

The task force will provide a preliminary report to the governor and the Legislature by December 30, 1993. A second report containing the task force's findings and recommendations is due by October 1, 1994.

### EXPIRATION DATE

The law expires on June 30, 1995.

### Votes on Final Passage:

House	98	0	
Senate	43	2	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 1993

## EHB 1621

C 89 L 93

Modifying the regulation of apiaries.

By Representatives Rayburn, Chandler and Jacobsen; by request of Department of Agriculture.

House Committee on Agriculture & Rural Development  
Senate Committee on Agriculture

**Background:** State law prohibits Africanized honey bees from being imported into this state except for research purposes under conditions set by the director of the Department of Agriculture.

Under the apiary laws, the director may adopt and enforce rules which the director deems necessary to prevent the introduction or spread of diseases affecting bees. This authority expressly includes the power to set the maximum level of American foulbrood which is permissible in a bee colony.

A violation of any provision of the apiary laws is a misdemeanor; it is also a Class I civil infraction punishable by a fine of not more than \$250. It is unlawful to hinder the department's access to an apiary for inspection.

A resident beekeeper, who moves bees out-of-state for summer pasture and desires to return the bees to Washington, is required to obtain an inspection certificate from the state in which the bees were pastured.

Government services requested by the bee industry are provided on a fee-for-service basis; the revenues from the fees are placed in the Apiary Inspection Fund within the agricultural local fund.

**Summary:** The state's apiary laws are rewritten.

### AFRICANIZED BEES

Hybrids of Africanized honey bees may be imported into this state if they have been bred or certified for acceptable behavior and approved by the director of the Department of Agriculture. Africanized honey bees and their hybrids may be imported for research purposes under a permit issued by the director. Bees imported in violation of these requirements may be impounded and destroyed in the same manner prescribed for diseased bees.

If the director and the Apiary Advisory Committee find that Africanized honey bees have become widely established, their exclusion is no longer technically feasible, and their deregulation is in the best interest of Washington agriculture, Africanized honey bees may be imported, without permit, into the state. In such a case, the department and the committee must approve a plan to mitigate the impact of the bees.

### PESTS - MAXIMUM LEVELS

The director is expressly granted authority to set maximum levels of bee pests, including diseases and parasites, which may be present in a bee colony. Hives constructed in such a manner that inspection is impeded, e.g., with frames or combs which are not removable, are treated as abandoned hives.

### CRIMES & CIVIL PENALTIES

The following are added as crimes: altering an official certificate or inspection document regarding bees or misrepresenting a document as being an official certificate; knowingly importing Africanized honey bees except as expressly permitted; resisting or impeding the discharge of the director's duties; failing to control bee pests over al-

lowable limits; abandoning a hive; maintaining a hive, except for educational purposes, which does not have movable frames and combs or impedes inspection; and violating or failing to comply with rules adopted under the apiary laws.

A person's first violation is a misdemeanor; subsequent violations are gross misdemeanors. Violations of the apiary laws are no longer Class I civil infractions. If a violation has not been punished as a misdemeanor or gross misdemeanor, the director may impose a civil penalty of not more than \$1,000 for each violation. The civil penalty may also be imposed on a person who has aided or abetted the commission of a violation. The director may enter compliance agreements regarding regulated activities.

**INJUNCTIONS & WARRANTS**

The director may bring an action in superior court to enjoin a violation of the apiary laws. It is no longer unlawful to impede the department's access to apiaries. If the director is denied access, the director may apply to a court of competent jurisdiction for a search warrant authorizing access and the court may issue the warrant for good cause.

**RE-ENTRY**

An apiarist registered in this state who obtains a valid inspection certificate and moves bees out of state for wintering is allowed to return the bees to the state by May 15 each year without obtaining an additional certificate.

**FEES**

A charge is established for the late payment of fees levied under the apiary laws. The apiary inspection fund is renamed the apiary inspection account.

**OTHER**

The six-member Apiary Advisory Board is replaced with an Apiary Advisory Committee with up to 11 members. A representative of Washington State University (WSU) is made a member of the expanded committee. The director of the Department of Agriculture is expressly authorized to conduct educational programs in cooperation with the industry and WSU.

**Votes on Final Passage:**

House	96	0
Senate	43	0

**Effective:** July 25, 1993

**ESHB 1622**

C 183 L 93

Modifying the regulation of fertilizer.

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Chappell, Chandler and Rayburn; by request of Department of Agriculture).

House Committee on Agriculture & Rural Development  
Senate Committee on Agriculture

**Background:** State law regulates the distribution of commercial fertilizers in this state. Each brand and grade of commercial fertilizer must be registered with the state's Department of Agriculture. The registration fee is \$25 for each brand. Bulk commercial fertilizer must be registered by each person distributing it. The department may refuse to register a fertilizer or may cancel a registration if the applicant or registrant has used fraudulent or deceptive practices in the evasion or attempted evasion of the provisions of the commercial fertilizer laws or rules.

An inspection fee is levied on all commercial fertilizers distributed in this state to persons other than registrants. The fee is 9 cents per ton of lime and 18 cents per ton of any other fertilizer distributed annually.

**Summary:** The commercial fertilizer statutes are amended.

**REGISTRATIONS & LICENSES**

Registrations are now required only for packaged fertilizers. However, if commercial fertilizer is delivered in bulk form, written information similar to registered label information for the fertilizer must still be provided to the purchaser at the time of delivery. No person may distribute a commercial fertilizer in unpackaged, bulk form without obtaining an annual license for the activity from the Department of Agriculture. A license application and \$25 fee must be filed for each location distributing the unpackaged fertilizer. A fee for the late renewal of a license is established.

In reviewing a registration application, the department may consider certain data from authoritative sources to substantiate label statements if the data are applicable to conditions in the Northwest. The department may also require the submission of additional information to support the label statement or guarantee of ingredients. The department may refuse to issue a registration or a distributor's license or may cancel an existing one for: providing incomplete licensing or registration information; misbranding or adulteration of a commercial fertilizer; or a violation of the commercial fertilizer laws or rules adopted under those laws. It is the responsibility of the person who manufactures or subsequently packages a fertilizer to register it.

The registration fee for a packaged commercial fertilizer is \$25 for the initial product and \$10 for each additional product registered by an applicant, rather than \$25 for each brand registered.

The inspection fee for fertilizers sold to persons other than registrants and licensees is increased. It is now 15 cents per ton for lime and 30 cents per ton for other fertilizers. Packages of fertilizer weighing five pounds or less are no longer excluded in calculating the tonnage for the fee. A minimum inspection fee of \$25 per year is established. The minimum late payment fee is increased.

**CRIMES**

It is unlawful to: distribute bulk fertilizer without a license; distribute unregistered packaged fertilizer; refuse or neglect to keep and maintain records or to make reports

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when and where required; or make false or fraudulent records, invoices or reports. The assessment of a delinquency fee for a late renewal of a registration or license does not preclude the imposition of other penalties.

### OTHER

Specialty fertilizers may be guaranteed in fractional units. The director may, by rule, establish an alternative to the method of displaying a guaranteed analysis for a fertilizer currently set by statute. The name of the manufacturer of a fertilizer need no longer be included in an application for a registration for a packaged fertilizer. The persons regulated under the fertilizer laws expressly include those who exchange or broker fertilizers. Registrations expire on June 30 annually, rather than December 31.

### Votes on Final Passage:

House	97	0
Senate	46	0

Effective: July 25, 1993

## SHB 1631

C 456 L 93

Regulating going out of business sales.

By House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Brumsickle, G. Cole, Horn, Wood, Appelwick and Thibaudeau).

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

**Background:** Washington's Consumer Protection Act prohibits false, deceptive, or misleading advertising. In addition, the act prohibits unfair methods of competition or deceptive acts or practices in the conduct of any trade or commerce. The attorney general may bring an action to restrain acts prohibited by the act. A private citizen may bring an action to recover treble damages. The court may award attorney's fees to the attorney general or a private citizen prevailing in an action brought under the act.

Consumers as well as businesses have expressed concern that unfair or deceptive practices may be occurring in "going out of business" sales. Some businesses have brought in new merchandise or transferred merchandise from affiliated businesses in contemplation of a "going out of business" sale. By purchasing additional merchandise and bringing in other merchandise to sell on consignment, some businesses are able to prolong a "going out of business" sale to the detriment of legitimate competitors. Other businesses exist principally for the purpose of conducting "going out of business" sales. However, federal bankruptcy courts have found that in the absence of legislation declaring such practices to be unfair or deceptive acts in trade or commerce affecting the public interest, these practices do not constitute violations of the Consumer Protection Act.

The Legislature has declared a number of violations of consumer protection statutes to be per se violations of the Consumer Protection Act. Examples include violations involving charitable solicitations, chain distribution schemes, promotional advertising of prizes, automotive repair, house-to-house sales by minors, and consumer leases.

**Summary:** A business is required to record a notice of a "going out of business" sale with the county auditor two weeks before the sale. A business may make either a complete list of inventory as of the date of recording the notice or a compilation of all purchase orders issued in the 30 days before recording the notice. A person conducting a sale must execute an affidavit that the inventory list or compilation is correct, attach the affidavit to the inventory list or compilation, and maintain the records for three years after the sale.

These requirements apply only to persons who engage in the retail sale of merchandise in their regular course of business. Sales conducted by persons acting in their capacity as public officials, moving sales, and sales at wholesale are exempted from the act. Emergency sales are exempted from the requirement that the notice be recorded two weeks before the sale, but must comply with the other provisions of the act.

Only a business with a valid Washington business identification number may conduct a "going out of business" sale. A business may not be established principally for the purpose of conducting a "going out of business" sale. A business is presumed to be established principally for this purpose if the owner has had a "going out of business" sale within one year or if the business was established within six months of recording the notice of the sale.

A business may not acquire merchandise solely for the purpose of conducting a "going out of business" sale. Orders for merchandise made within 30 days of recording the notice of a "going out of business" sale must be bona fide orders made in the usual course of business. Merchandise may not be transferred from an affiliated business or taken on consignment in contemplation of a "going out of business" sale.

A "going out of business" sale may not continue longer than 60 days. A "going out of business" sale may not be advertised more than two weeks before the sale. All advertising must include the dates on which the sale begins and ends and the address of the business that is going out of business, except that radio advertisements need not refer to the address of the business. All advertised price savings or discounts must be bona fide and substantiated.

After conducting a "going out of business" sale, a business or successor in any reformulation may not reopen within one year, unless the continuing business was in operation on the date the notice of the sale for the closing business was recorded.

The state preempts all local ordinances governing "going out of business" sales.



A business must notify the attorney general before conducting any "going out of business" sale ordered by a bankruptcy court. Any violation of the act is a per se violation of the Consumer Protection Act.

**Votes on Final Passage:**

House	89	8	
Senate	42	4	(Senate amended)
House	94	2	(House concurred)

**Effective:** July 25, 1993

## SHB 1635

### PARTIAL VETO

C 493 L 93

#### Purchasing jumbo ferries.

By House Committee on Transportation (originally sponsored by Representatives Zellinsky, Schmidt, King, Ballard, Dorn, Sehlin, Heavey, Kremen, Brough, Sheldon, Wood, Jones, Jacobsen, J. Kohl, R. Johnson, Karahalios, Holm, Scott, Orr, Kessler, Pruitt, R. Fisher, Wang, Springer, Quall, Conway, Anderson, Shin, Veloria, Leonard, Campbell, R. Meyers, Ballasiotes, Vance, Foreman, Patterson, Valle, Johanson, Miller, Chandler, G. Fisher, Roland, Linville and Cothem).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** Due to current and projected demands for transportation across Puget Sound, Washington State has decided to construct three new jumbo ferries (218 cars, 2,500 passengers) beginning in the 1993-95 Biennium. The 1991-93 transportation budget contained \$1.1 million for the design of a jumbo class ferry. Total cost of construction for the three ferries is estimated to be approximately \$216 million. The new jumbo ferries will be financed in part with \$210 million generated from bond sales authorized by the 1992 Legislature. From the bond authorization, the Legislature has appropriated \$10 million for long-lead time propulsion equipment. For jumbo vessel construction, \$112 million is appropriated for the 1993-95 Biennium. Repayment of the bonds will be made from motor vehicle excise tax and motor vehicle fuel tax. Under the design and construction schedule established by the Department of Transportation (DOT), delivery of the first vessel could occur in late 1995.

Current law governing public contracting procedures establishes a competitive comprehensive bidding process which awards contracts to the lowest qualified bidder. In the last decade, the number of shipyards in Puget Sound qualified to bid on and perform major overhauls on state ferries and new construction has decreased. The decline of the shipyard industry is due to a combination of economic pressures and state regulatory requirements. During the 1992 Legislative Session and interim, the DOT ferry labor unions and local shipyard representatives examined ways

to increase the possibility of in-state construction of the proposed jumbo ferries and improve and enhance competition among Washington yards.

**Summary:** Upon legislative authorization to purchase one or more jumbo ferry vessels, the Department of Transportation (DOT) is required to publish notice of its intent in at least one state trade paper and one other paper of general circulation. The notice must contain information about (1) the number of vessels to be constructed and the proposed delivery date for each vessel; (2) bidder prequalification requirements; and (3) an address and telephone number to obtain the bid package.

The DOT is required to send to any requesting firm its bidding documents specifying the criteria for the jumbo ferry vessels. Bid documents must include information on: (1) solicitation of a bid to deliver vessels that are constructed according to DOT plans and specifications; (2) a requirement that the bids submitted include one bid for the construction of three vessels; (3) the amount and form of the required contract security; (4) a copy of the vessel construction contract; (5) the final date for receiving bids; (6) a requirement that the contractor comply with applicable state laws, rules and regulations; (7) a requirement that vessels, excluding equipment provided by the state and components, products and systems that are standard manufactured items, be constructed within state boundaries and that all warranty work be performed within the state, insofar as practicable; and (8) a list of all equipment to be furnished by the state.

All proposals remain open for 90 days and must be accompanied by a bid deposit in the amount of 5 percent of the bid amount.

The DOT engineer's estimate of the cost to build the ferries must address the specific and unique costs of building the new vessels in the state of Washington.

The DOT, upon concluding its evaluation of the bid proposals, may select the firm submitting the lowest responsible bid, reject all bids not in compliance with the bid document requirements, or reject all bids.

If on the first bid, the lowest responsible bid exceeds by more than 5 percent the engineer's estimate, the department is required to request the Legislative Transportation Committee (LTC) to perform within 60 days after the bid opening, an independent review of the engineer's estimate to determine its appropriateness. The LTC must consult with experts familiar with developing bid estimates for ferry construction in the Pacific Northwest.

The LTC can, as a result of the review, confirm the engineer's estimate or revise it to reflect appropriate and current information. If the engineer's estimate should be adjusted, the department must evaluate the lowest responsible bid against the revised estimate. If the lowest responsible bid does not exceed the revised engineer's estimate by 5 percent, the department will negotiate a contract with the successful bidder. However, if the lowest responsible bid does exceed the confirmed or revised estimate by more

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than 5 percent, the department must solicit new bids, continuing to observe the requirement that construction of the vessels be within state boundaries. If the lowest responsible bid again exceeds the confirmed or revised estimate by more than 5 percent, the department is directed to rebid the project, eliminating the in-state construction requirement.

Upon selecting the lowest responsible bidder and ranking the remaining firms in preferential order, the DOT must sign a contract with the firm presenting the lowest responsible bid. If agreement cannot be reached, the DOT may contract with the firm ranked next lowest bidder and, if necessary, may repeat this procedure until the list of firms is exhausted. If a contract is awarded and the selected firm fails to enter into a contract or furnish satisfactory contract security, its bid deposit is forfeited and deposited in the Puget Sound capital construction account.

Firms that are not selected must be notified immediately. The DOT's selection is conclusive unless appealed within five days after notice of the final decision. An appeal must be heard within 10 days and on five days notice to the DOT. Appeals are heard on the administrative record. The court may affirm the DOT's decision or reverse the decision if it finds the action of the department was arbitrary or capricious.

### Votes on Final Passage:

House	98	0	
Senate	42	6	(Senate amended)
House	97	0	(House concurred)

Effective: May 18, 1993

**Partial Veto Summary:** The authority granted the Legislative Transportation Committee to review and, if necessary, revise the engineer's estimate is eliminated on the basis that it contravenes the principle of separation of power between the executive and legislative branches.

### VETO MESSAGE ON SHB 1635

May 18, 1993

To the Honorable Speaker and Members,  
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. 1635 entitled:

"AN ACT Relating to jumbo ferry construction."

This bill requires that the new jumbo ferry vessels be constructed within the state of Washington. I support the concept of in-state preference for the construction of these ferries. Section 3 of Substitute House Bill No. 1635 outlines a procedure if the contractor's bids come in significantly higher than the engineer's original cost estimates. The Legislative Transportation Committee (LTC) is granted authority to review and, if necessary, revise the engineer's estimate for appropriateness and accuracy. This LTC oversight of an executive branch function is in direct conflict with the principle of separation of powers between the Executive and Legislative branches.

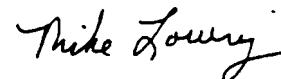
Conformance to bid standards is the responsibility of the Secretary of Transportation and the Transportation Commission, not the LTC. If additional independent oversight of the agency's bidding procedures is needed, then current law does not prevent the

Department of Transportation from taking advantage of contracting expertise in the Office of Financial Management.

This partial veto eliminates the formal LTC third party review process, but the in-state preference is protected. The Department of Transportation retains its ability to control contract costs through accepted procedures in current law, while the time honored principle of separation of powers is maintained.

With the exception of section 3, Substitute House Bill No. 1635 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

## HB 1637

C 174 L 93

Including municipal street railways in the definition of public work.

By Representatives Conway, Heavey, King, G. Cole, Basich, Kessler, G. Fisher, Karahalios, Jacobsen, Ogden and Veloria.

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

**Background:** State law regulates contracting procedures for public works. Public works include all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, but does not include work on municipal street railways. Municipal street railways were excluded from public works in the original act in 1923, the same year that the Legislature created local improvement districts for municipal street railways.

**Summary:** The definition of public work is amended to delete the exclusion of municipal street railways.

### Votes on Final Passage:

House	62	36
Senate	31	16

Effective: July 25, 1993

## HB 1643

C 35 L 93

Modifying licensure requirements for landscape architects.

By Representatives King, Veloria, Heavey, Reams and Jacobsen; by request of Department of Licensing.

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

**Background:** The composition of the Board of Registration for Landscape Architects is three landscape architects and two members from the general public.

Applications for registration must be filed with the director of the Department of Licensing and must include five professional references. The law is unclear regarding the collection of fees and does not provide for the timely submission of applications.

The law provides that the board is to prescribe the scope of the examination and the procedure. Applicants who fail any subject areas of the test may retake those parts of the test. However, if the applicant does not pass every part of the exam within five years, he or she must retake the entire exam.

The director may issue registration without examination to any applicant who is registered in another state that has substantially equivalent requirements as Washington and that extends reciprocity to applicants who are registered in Washington.

A person who loses registration as a result of delinquency for more than one year may only be reinstated upon successful completion of the same examination required of applicants.

**Summary:** Board composition is changed to four landscape architects and one member of the general public.

The director may set the necessary fees for applications, examinations, reexaminations, renewals, and penalties by rule. An applicant must supply three professional references. The director may establish a deadline for applications and examination fees.

The board is authorized to use a national examination. A passing score on any section of the examination exempts the applicant from retaking that section of the examination for five years.

Applicants seeking reciprocal registration in Washington must be recommended by the board as having met the minimum requirements for registration in Washington.

A license that is delinquent for more than five years may be reinstated under the circumstances as the board determines.

**Votes on Final Passage:**

House	98	0
Senate	47	0

**Effective:** July 25, 1993

**HB 1644**

C 417 L 93

Changing provisions relating to voting by mail.

By Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Patterson, Brough, King, Springer, Former, Wineberry and J. Kohl.

House Committee on State Government  
Senate Committee on Government Operations

**Background:**

**VOTE-BY-MAIL ELECTIONS**

In precincts with less than 100 registered voters, the county auditor may choose to conduct any primary or election exclusively by mail ballot.

In other precincts, an election may be conducted exclusively by mail ballot only for a nonpartisan special election not being held in conjunction with a state primary or state general election. The jurisdiction for which the special election is to be conducted may request that the election be conducted by mail ballot. The county auditor may honor or deny that request; the decision of the auditor is final.

Any time an election is conducted by mail in a precinct, the canvassing board may direct that the ballots be counted on election day. In such a case, the count is to be done by not less than three election officials. The results of the count may not be revealed until after the polls have closed. If vote tallying devices are used, political party observers may choose to count the ballots of not more than 10 precincts by hand.

**REGISTRATION CANCELLATION**

The Election Code identifies circumstances under which procedures for cancelling the registration of a voter are to be initiated automatically. One of the circumstances involves issuing vote-by-mail ballots. If a ballot sent to a person is returned to the auditor by the U.S. Postal Service as being undeliverable, the cancellation procedures are to be initiated regarding that person's registration.

**Summary:**

**VOTE-BY-MAIL IN SMALL PRECINCTS**

The size of the precinct in which the auditor may choose to conduct any primary or election exclusively by mail ballot is increased. The auditor may now choose to conduct a primary or election in a precinct with fewer than 200 registered voters.

**VOTE-BY-MAIL PRIMARY**

In an odd-numbered year, the auditor may conduct a primary, or a special election concurrently with the primary, by mail ballot. This procedure may be used: for any office or ballot measure of a special purpose district; and for any nonpartisan office or ballot measure of a county, city, or town with the concurrence of the legislative authority of the county, city, or town. The auditor may also conduct such a primary or special election by mail ballot for a special purpose district which lies within more than one county if the auditors of each of the counties involved agree to conduct it in this manner. However, in an odd-numbered year, a primary may not be conducted by mail ballot in any precinct with 200 or more registered voters if a partisan office or state office or state ballot measure is to be voted upon at that primary in the precinct.

**CANVASSING PROCEDURES**

If the canvassing board directs that vote-by-mail ballots be counted on the day of a primary or election, the counting must be conducted in the presence of the board or its representatives, rather than in the presence of at least three

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election officials. The results may not be revealed until after 8:00 p.m. or at such later time as the auditor directs. Political party observers may select, at random, ballots which must be counted by hand.

### REGISTRATION CANCELLATION

The time is lengthened during which a voter must respond to the cancellation inquiry of an auditor under automatic cancellation procedures. If the procedures were initiated because a person's vote-by-mail ballot was returned to the auditor by the U.S. Postal Service as being undeliverable, the person has 90 days in which to respond to the auditor's inquiry, rather than the current 45 days.

#### **Votes on Final Passage:**

House	97	0	
Senate	38	10	(Senate amended)
House			(House refused to concur)
Senate	31	16	(Senate receded)

Effective: July 25, 1993

## HB 1645

C 256 L 93

Changing provisions relating to initiatives and referenda.

By Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Brough, Wang, Cothem, Wineberry and J. Kohl.

House Committee on State Government  
Senate Committee on Government Operations

**Background:** The state constitution sets forth the initiative and referendum power of the people with regard to state legislation. The constitution permits the Legislature to enact laws facilitating the initiative and referendum process. Under that authority, the Legislature has enacted laws governing the filing of petitions, the preparation of ballot titles and summaries, the content of signature petitions, the verification of signatures, and other related procedures.

The Legislature has also identified activities regarding the initiative and referendum process which are prohibited. One activity so prohibited is soliciting or procuring, for compensation, signatures on an initiative or referendum petition. In a 1988 decision, the U.S. Supreme Court determined that a similar Colorado statute prohibiting the payment of petition circulators imposed a burden on political expression that the state failed to justify. The court found that the statute violated the First and Fourteenth Amendments of the U.S. Constitution.

### **Summary:**

#### COLLECTING SIGNATURES ON PETITIONS

New requirements regarding initiative and referendum petitions and those who collect signatures on such petitions are established.

A person who gathers petition signatures is prohibited from being compensated, or agreeing to be compensated, on a per-signature basis. Offering or providing this form of com-

pensation is also prohibited. Provisions of current law are repealed which prohibit paying persons to solicit signatures on petitions or to attempt to influence persons to sign a petition or to vote for or against an initiative or referendum.

If a candidate or political committee makes an expenditure of any size directly or indirectly to compensate a person for soliciting petition signatures, the expenditure must be reported in the regular contribution and expenditure report filed with the Public Disclosure Commission by the candidate or committee. The total of such expenditures must also be reported and this reporting is in addition to the reporting of expenditures as required by current law.

The "warning" statement on petitions regarding signing petitions illegally must occupy at least four square inches on the front of the petition. The penalties prescribed under the initiative and referendum laws for categories of crimes are those prescribed in the Criminal Code for those categories.

#### REFERENDUM BALLOT DISPLAY

A new format is established for displaying on a ballot the ballot question for a state or local petition-based referendum. The ballot question is to be displayed as follows:

Referendum Measure No. XX. The (name of legislative body) has passed a law that (concise statement identifying the essential features of the law). Should this law be

Approved \_\_\_\_\_  
or  
Rejected \_\_\_\_\_

The concise statement for a state referendum must not exceed 25 words in length. For a local referendum, it must not exceed 75 words. These concise statements are prepared and subject to appeal in the same manner as provided by current law for ballot titles. The heading to be printed on petition sheets for a referendum is altered to reflect these changes in format.

For a ballot proposition of a special purpose district that lies in more than one county, the concise statement or ballot title is to be prepared by the prosecuting attorney of the county in which "the majority area of the district is located." Repealed is a law prescribing a format for ballot titles for elections on proposed ordinances in cities with a commission form of government.

#### **Votes on Final Passage:**

House	96	1	
Senate	33	15	(Senate amended)
House	97	0	(House concurred)

Effective: May 7, 1993



**HB 1646**

C 418 L 93

Expanding eligibility for ongoing absentee voter status.

By Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Brough, King, Miller, Springer, Former, Wineberry and J. Kohl.

House Committee on State Government  
Senate Committee on Government Operations

**Background:** The registered voters of this state may choose to vote by absentee ballot rather than at the polls. A voter must, however, request the absentee ballot from the county auditor.

In 1985, the Legislature established a means by which certain voters may request to vote by absentee ballot on an ongoing basis, rather than having to request absentee ballots on an election-by-election basis. A disabled voter or a voter over the age of 65 may choose to be an ongoing absentee ballot voter. A voter's status as an ongoing absentee ballot voter is generally valid from the time of application until January 1 of the next odd-numbered year. Following that date, the auditor must send the voter an application to renew the status. This status is also terminated by: the written request of the voter; the death or disqualification of the voter; the cancellation of the voter's registration record; or the return of an absentee ballot as being undeliverable.

**Summary:** Any registered voter may choose to vote by absentee ballot on an ongoing basis. A person's status as an ongoing absentee ballot voter no longer automatically terminates on January 1 of each odd-numbered year.

**Votes on Final Passage:**

House	97	0
Senate	39	7

**Effective:** July 25, 1993

**HB 1648**

C 383 L 93

Extending the voter registration period.

By Representatives Wineberry, Anderson, Veloria, Pruitt, King, Springer, Leonard and J. Kohl.

House Committee on State Government  
Senate Committee on Government Operations

**Background:** State law requires that the registration files of precincts be closed against original voter registrations or transfers for 30 days immediately preceding each primary or election. At least five days before the precinct files are closed, the county auditor must publish a notice of the closing of the files.

**Summary:** A qualified but unregistered elector may register to vote in a primary or election after the close of the

precinct registration files for that primary or election under a special registration and absentee ballot voting procedure. Such a person must register in person in the office of the county auditor or at a location designated by the auditor and must register not later than the 15th day before the primary or election. The person may vote only by absentee ballot. Upon registering, the person must immediately apply for an absentee ballot. The person's registration form and absentee ballot application are to be promptly transmitted to the county auditor.

The county must publish a notice regarding this special registration and absentee ballot voting procedure when the auditor announces the closing of the precinct files.

**Votes on Final Passage:**

House	97	0	
Senate	34	11	(Senate amended)
House			(House refused to concur)
Senate	32	16	(Senate receded)

**Effective:** July 25, 1993

**HB 1651**

C 90 L 93

Removing the sunset provisions from the naturopathy statutes.

By Representatives Anderson, Reams, Campbell, Valle, King, Pruitt and Jacobsen.

House Committee on State Government  
Senate Committee on Health & Human Services

**Background:** Naturopathy, formerly known as drugless healing, has been regulated by the state since 1919. In 1986, the Legislative Budget Committee conducted a review and recommended updating the drugless healing act. In 1987, the Legislature revised the naturopathic licensing laws and created a five-member Naturopathic Advisory Committee to advise the Department of Licensing on program administration. In 1989, the Legislature transferred administration of naturopathic licensing to the Department of Health.

The Department of Health currently administers the naturopathic licensing program. No person may practice naturopathy, or represent himself or herself as a naturopath or "doctor of naturopathic medicine," without a license from the Department of Health. Licensees are subject to the Uniform Disciplinary Act.

The Naturopathic Advisory Committee is scheduled to terminate on June 30, 1994. The naturopathic licensing act is scheduled to terminate on June 30, 1995.



## ESHB 1662

**Summary:** The termination provisions of the Naturopathic Advisory Committee and the naturopathic licensing act are repealed.

**Votes on Final Passage:**

House 98 0

Senate 45 0

**Effective:** July 25, 1993

## ESHB 1662

C 320 L 93

Reauthorizing the community economic revitalization board.

By House Committee on Trade, Economic Development & Housing (originally sponsored by Representatives Wineberry, Shin, Former, Sheldon, Wang, Riley, Ogden, Silver, Valle, Jones, Holm, Basich, Rayburn, Jacobsen, Kremen, Cooke and J. Kohl; by request of Department of Trade & Economic Development).

House Committee on Trade, Economic Development & Housing

House Committee on Capital Budget

Senate Committee on Trade, Technology & Economic Development

**Background:** The Community Economic Revitalization Board (CERB) Program was created by the Legislature in 1982 to provide 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 CERB Program was expanded in 1991 to provide funds for feasibility studies and public infrastructure projects that support industrial and tourism development in timber communities. When the board receives applications for assistance in financing public facilities to encourage development of private facilities to process recyclable materials, a copy of the application must be sent to the Department of Ecology (DOE). DOE is to submit its recommendations to the board for the board's consideration.

In addition, there is a Department of Transportation/CERB Grant Program which supports state highway improvement projects.

Of CERB funds, 50 percent must go to projects in designated distressed or timber-dependent communities.

CERB expires on June 30, 1993.

**Summary:** The Community Economic Revitalization Board is extended indefinitely. The board is directed to forward a copy of any application for financial assistance to encourage the development of a recycling facility to the Department of Ecology and to notify the department of any decision regarding the application. Provisions requiring that DOE review and submit recommendations to the board are deleted. The protections under current law re-

garding proprietary information are extended to applications for CERB loans or program services.

The board must report to the Legislature every two years, beginning December 1, 1994.

**Votes on Final Passage:**

House 98 0

Senate 44 0 (Senate amended)

House 96 0 (House concurred)

**Effective:** July 25, 1993

May 12, 1993 (Section 8)

## SHB 1667

C 321 L 93

Prohibiting additives for on-site sewage disposal systems.

By House Committee on Environmental Affairs (originally sponsored by Representatives Romero, H. Myers, Heavey, Finkbeiner and Wolfe).

House Committee on Environmental Affairs

Senate Committee on Ecology & Parks

**Background:** Septic tank additives are generally used to control odors and to reduce the frequency in which sludge must be removed.

The active ingredients in these products vary greatly. They generally contain chlorinated organic solvents, strong acids or bases, or relatively innocuous nutrient supplements intended to enhance bacterial growth.

Research indicates that septic tank additives are ineffective at best, and may be harmful. Consumers using additives may be at risk in two ways. First, use of additives may ruin a drainfield and result in costly repair. Second, some additives, especially those containing chlorinated organic solvents, may contribute to groundwater contamination.

The Department of Health is in the process of developing rules for septic systems and other on-site systems. The proposed rules, in part, would ban the use of septic tank additives containing acids, bases, and chlorinated organic solvents. The proposed rules would not ban the sale or distribution of additives.

**Summary:** The use, sale and distribution of septic tank additives is prohibited beginning July 1, 1994. Indoor plumbing fixtures are not included in the definition of an on-site sewage disposal system. The Department of Health may review and approve an additive for sale within the state. Any costs incurred by the department in reviewing an additive are to be paid by the person or entity seeking the department's approval.

The state attorney general and city and county prosecuting attorneys may enjoin the prohibited sale or distribution of an additive. The Department of Health is responsible for notifying major distributors and wholesalers of the prohibition on septic tank additives. Distributors

and wholesalers of additives are required to notify retailers within 30 days of being notified by the department.

**Votes on Final Passage:**

House	69	29	
Senate	36	11	(Senate amended)
House	70	27	(House concurred)

Effective: July 25, 1993

**ESHB 1670**

C 95 L 93

Providing service credit for periods of paid leave.

By House Committee on Appropriations (originally sponsored by Representatives Sommers, Heavey, Locke, King, Jacobsen, Vance, Wineberry, Mielke, Linville, Lisk, J. Kohl, Wolfe, Basich, Orr, Valle, Veloria, Anderson, G. Cole, Dorn, Jones, R. Fisher, Holm, Ogden and Kremen).

House Committee on Appropriations  
Senate Committee on Labor & Commerce

**Background:** Public employee collective bargaining agreements typically contain provisions authorizing certain employees to take a leave of absence to engage in bargaining and other labor relations activities. In some cases, while on leave, an employee may continue to receive a salary from his or her public employer. The employer, however, is reimbursed by the employee union.

Ordinarily, an employee on a paid leave of absence receives retirement service credit for the leave period. However, questions have been raised about whether an employee on leave for bargaining purposes is authorized to receive service credit since the employee's salary is indirectly paid by the union.

In 1992, the Legislature allowed members of the Teachers' Retirement System (TRS), who had taken leaves of absence to serve as elected officials of an education association, to receive service credit for leave taken prior to the 1992-93 school year. Members of TRS I were also granted the ability to earn up to four years of credit for future leaves of absence for this purpose, but only if the member paid the requisite employer and employee contributions.

**Summary:** A public employee who takes leave to serve as an elected official of a labor organization is considered to be on a paid leave of absence and is eligible to receive retirement service credit, as long as: (1) the leave is authorized by a collective bargaining agreement; (2) the agreement provides the employee with seniority rights during the leave; and (3) the employer is reimbursed by the labor organization for compensation paid to the employee during the leave.

The compensation reported for such a member to the Department of Retirement Systems (DRS) cannot be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

These provisions apply to members of Plan I and II of the Teachers' Retirement System (TRS), the Public Employees' Retirement System (PERS), and the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF).

The compensation reported for this type of paid leave may be counted in a PERS or TRS member's average final compensation. Paid leave may already be counted in LEOFF.

These provisions apply retroactively for any members who had compensation reported to the Department of Retirement Systems. The provisions also apply retroactively to January 1, 1992, for any members who would have had compensation reported had it not been for a 1992 law addressing this topic.

A 1992 law addressing this topic, but only for members of TRS, is repealed.

**Votes on Final Passage:**

House	96	0
Senate	47	0

Effective: April 21, 1993

**ESHB 1672**

C 96 L 93

Creating the eye care for the homeless program in Washington.

By House Committee on Human Services (originally sponsored by Representatives Wineberry, J. Kohl, Wood, Anderson, Sheldon, Veloria, Scott, Jones, Ludwig, Brough and Foreman).

House Committee on Human Services  
Senate Committee on Health & Human Services

**Background:** Among the numerous barriers that many homeless people face in achieving self-sufficiency is impaired vision. Many providers of vision services offer services at reduced cost or no cost to individuals who are homeless. There is no program which connects the homeless who are in need of vision services with providers of those services.

**Summary:** The Eye Care for the Homeless Program is established. The Department of Social and Health Services is directed to coordinate the efforts of private organizations for the purpose of providing free vision services to the homeless.

To the extent consistent with its budget, the department is required to pay for eyeglass hardware provided under this program, but is also required to seek private sector financial assistance. Used frames may be provided under this program.

Generally, limited liability for negligence is granted to ophthalmologists, optometrists, and opticians with respect to their provision of vision services and eyeglasses under this program.

## SHB 1673

### Votes on Final Passage:

House 97 0

Senate 48 0

Effective: July 25, 1993

## SHB 1673

### FULL VETO

Creating the aerospace industry legislative task force.

By House Committee on Trade, Economic Development & Housing (originally sponsored by Representatives Roland, Eide, Vance, Brough, Campbell, Wang, Jacobsen, Patterson and Forner).

House Committee on Trade, Economic Development & Housing

House Committee on Appropriations

Senate Committee on Trade, Technology & Economic Development

**Background:** The Washington economy is heavily dependent upon aerospace and aerospace-related employment. The aerospace industry is the major manufacturing base industry in the state with 107,300 employees. In 1992, direct aerospace employment accounted for 4.5 percent of the state's total employment, and 30 percent of the manufacturing employment.

Between 1983 and 1991, the state's aerospace industry experienced rapid growth as airlines began replacing their fleet of older passenger jets and the number of defense contracts increased. Recently, however, the Boeing Company announced that decreases in the production levels of its 737, 757, and 767 passenger jets would result in workforce reductions of approximately 10,500 employees. The reductions are scheduled for the second half of 1993. It is expected that the majority of the reductions will occur in King and Snohomish counties.

There is concern that Washington's economy has become too dependent upon the fluctuations of the aerospace industry and that efforts should be made to diversify the state's manufacturing employment base.

A 1993 law creates the Executive-Legislative Committee on Economic Development, which is composed of legislative branch and executive branch officials and appointees.

**Summary:** The Subcommittee on the Aerospace Industry is created as a subcommittee of the Executive-Legislative Committee on Economic Development. The subcommittee must examine the overall impacts of the aerospace industry work slowdown on state and substate regional economies, displaced workers and their families, and other businesses.

The subcommittee consists of at least three members of the full committee and may include advisory members. The advisory members may include representatives from the aerospace industry, chambers of commerce and economic development councils, aerospace workers' unions,

county councils, city governments, and the Work Force Training and Education Coordinating Board.

The purpose of the subcommittee is to make recommendations, to the Legislature regarding: (1) short-term and long-term assistance for workers made unemployed by the slowdown in the aerospace industry; and (2) long-term approaches to effectively diversify the region of the state most affected by fluctuations in the aerospace industry.

The subcommittee shall submit a report, through the full committee, summarizing its findings and recommendation to the appropriate legislative committees by December 1, 1993.

### Votes on Final Passage:

House 96 0

Senate 46 2 (Senate amended)

House (House refused to concur)

Senate (Senate refused to recede)

House 93 0 (House concurred)

### VETO MESSAGE ON SHB 1673

May 18, 1993

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval Substitute House Bill No. 1673 entitled:

"AN ACT Relating to creating an aerospace industry task force;"

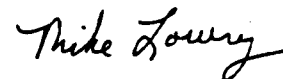
I agree with the Legislature that the workers in industries struggling with economic change and their families deserve a helping hand to make it easier to return to employment and that communities need help in retaining strong economies. I also believe that a more diversified economy is important for maintaining quality of life in the state.

This legislation addresses these issues by creating an aerospace industry subcommittee of the executive-legislative committee on economic development, which would be created if Senate Bill No. 5300 were signed into law. Because I am vetoing Senate Bill No. 5300, the process envisioned in this legislation cannot occur. In addition, the legislature did not provide funding to support this activity.

The departments of Trade and Economic Development and Community Development are forming a new Department of Community Trade, and Economic Development over the next year. Establishing a more collaborative process to assist communities engaged in economic change will be a significant part of that process. That effort should meet many of the goals of this legislation.

For these reasons, I have vetoed Substitute House Bill No. 1673 in its entirety.

Respectfully Submitted,



Mike Lowry  
Governor

**SHB 1678**

C 134 L 93

Continuing funding for Operation New Market.

By House Committee on Appropriations (originally sponsored by Representatives Eide, Brough, Wineberry, Pruitt, Valle, Quall and Sheldon).

House Committee on Trade, Economic Development & Housing

House Committee on Appropriations

Senate Committee on Trade, Technology & Economic Development

**Background:** Washington state provides export assistance through a variety of public programs and funding.

**Summary:** The Department of Trade and Economic Development, within current resources, must work with the Tacoma World Trade Center to assist small and medium-sized businesses with export opportunities.

**Votes on Final Passage:**

House 98 0

Senate 45 0

**Effective:** July 25, 1993

**SHB 1686**

C 277 L 93

Defining a term for the administrative procedure act.

By House Committee on State Government (originally sponsored by Representatives Anderson, Ludwig, R. Meyers, Foreman, Dorn, Orr, Vance, Brough, Tate, Casada, Edmondson, Horn, Wood, Carlson, Ballard, Brumsickle, Ballasiotes, Van Luven, Mielke, Sheahan, Long, Thomas, Cooke, Former, Morton and Lisk).

House Committee on State Government

Senate Committee on Government Operations

**Background:** Under the Administrative Procedures Act (APA), the Joint Administrative Rules Review Committee (JARRC) may review an agency's use of policy statements, guidelines, and issuances that are of general applicability to determine whether an agency is using these issuances instead of adopting a rule.

If JARRC finds, by a majority vote of its members, that an agency is using a policy statement, guideline, or issuance in place of a rule, it notifies the agency. The agency is required to hold a hearing on JARRC's finding. Within seven days of the hearing, the agency is required to notify JARRC of its action. If the agency fails to take corrective action, JARRC may, by majority vote, file with the code revisor notice of its objections. The code revisor is required to publish this notice in the Washington State Register, and the next supplement and compilation of the Washington Administrative Code.

**Summary:** The authority of the Joint Administrative Rules Review Committee to review an agency's policy statements, guidelines, and other issuances of general applicability is expanded to include a review of whether these issuances are within legislative intent.

**Votes on Final Passage:**

House 98 0

Senate 42 0

**Effective:** July 25, 1993

**HB 1689**

C 457 L 93

Making it a misdemeanor to impersonate a law enforcement officer.

By Representatives Chappell, Springer, Appelwick, Riley, Campbell, Brough, Basich, J. Kohl and Johanson.

House Committee on Judiciary

Senate Committee on Law & Justice

**Background:** A person can commit the crime of criminal impersonation in either of two ways. First, the crime may be committed by assuming a false identity and acting with an unlawful purpose. Second, the crime may be committed by pretending to be a representative of another person and acting with an unlawful purpose. The crime is a gross misdemeanor.

**Summary:** The crime of criminal impersonation is expanded. The existing crime is designated first-degree criminal impersonation.

A new crime of second-degree criminal impersonation is created. The crime is committed by claiming to be, or creating the impression that one is, a law enforcement officer and, under circumstances not amounting to the first-degree crime, acting with the intent to convey the impression that one is acting in an official capacity. The impression created must be one that would cause a reasonable person to believe that the defendant is a law enforcement officer.

The second-degree crime is a misdemeanor.

**Votes on Final Passage:**

House 98 0

Senate 44 0 (Senate amended)

House 97 0 (House concurred)

**Effective:** July 25, 1993

**SHB 1707**

C 97 L 93

Regulating motor carriers.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Schmidt, R. Meyers and Johanson; by request of Utilities & Transportation Commission).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** The Utilities and Transportation Commission (UTC) is funded wholly from the public service revolving fund (PSRF) into which regulatory fees, paid by the industries it regulates, are deposited. The legislative intent is that each industry, or class of industry, pay its own way. For most industries, the regulatory fee is a percentage of the company's annual gross intrastate revenues. The exception is the for-hire trucking industry.

Federal law allows states:

- (1) to require interstate carriers to register their operating authority with the state and pay a registration fee. Washington's annual regulatory fee is based on the gross weight of each truck and is imposed on both intrastate and interstate common and contract carriers operating in the state. The fee ranges from \$7 to \$34, depending on the weight of the truck; and
- (2) to issue an annual identification or "bingo" stamp to all interstate and intrastate carriers. The stamp is proof of registration, liability insurance and payment of the annual regulatory fee. Washington's stamp fee is \$10. Currently, 39 states require interstate carriers to carry such a stamp in the cab of each truck operating within its borders.

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991: (1) prohibits the states from charging a fee for the registration of a carrier's interstate operating authority, and (2) repeals the Bingo Stamp Program effective January 1, 1994.

ISTEA does allow those 39 states that participate in the Bingo Stamp Program to require the carriers to submit proof of liability insurance and charge a filing fee that is no greater than the bingo stamp fee in place as of November 15, 1991 (not to exceed \$10). The fee must be collected through the "single state" or "base state" registration system. Under base state registration, a carrier will pay its annual fees to a single state (its base state) and that state will distribute the collections to other participating states in which the carrier operates.

This change in federal law means that beginning in January 1994, the UTC will be unable to impose and collect a gross weight per vehicle regulatory fee on interstate carriers. The net effect is a revenue shortfall of approximately \$3.7 million per year which is more than 50 percent of the agency's revenues used to support safety and economic regulation of the trucking industry.

Interstate carriers who do not register their authority with the UTC but occasionally do business in this state, may purchase a temporary single trip transit permit, which authorizes a one-way trip into, through or point to point within the state for a fee of \$10. The permit is valid for 10 days. The trip permit is now issued in lieu of interstate carriers registering their operating authority with the commission. After January 1, 1994, the single trip permit will be issued in lieu of interstate insurance registration.

An applicant for a single trip transit permit must show proof of insurance statutorily set at \$25,000/\$100,000/\$10,000. For carriers registered with the commission, the insurance level is set by commission rule in an amount that parallels the U.S. Department of Transportation standards.

The annual maintenance fee the UTC charges its intrastate carriers for publication of the revised tariff pages cannot exceed the cost of issuing and mailing the supplements.

**Summary:** The Utilities and Transportation Commission may participate in a base state registration plan for collection of the insurance registration fee authorized by the Intermodal Surface Transportation Efficiency Act. No regulatory fees, other than a \$10 identification fee based on proof of insurance, are imposed on interstate carriers operating in the state. An insurance registration receipt must be carried in the cab of the truck.

Certain fees imposed by the commission are modified:

- (1) Effective January 1, 1994, the annual operating authority regulatory fee for an intrastate carrier is changed from a vehicle gross weight fee to 0.0025 percent of the carrier's gross income from intrastate operations for the previous calendar year. The fee approximates the cost of regulation, and the commission may reduce the fee if the revenue exceeds the reasonable cost of supervision. This is comparable to the percentages imposed on utility companies (gas, water, electric, telephone) regulated by the UTC.
- (2) The costs associated with the annual maintenance fee are expanded to include other factors that contribute to the cost of intrastate tariff revisions (i.e., hearing costs, rate examiners' travel time, and analytical time in determining if the rates are fair and just).
- (3) The intrastate operating authority application fee and extension fee are increased from \$200 to \$550.
- (4) Effective January 1, 1994, the single trip transit permit, issued in lieu of insurance registration for interstate carriers, is increased from \$10 to \$20. The amount of insurance required is changed from a statutorily set amount to an amount determined by the commission. This makes the insurance level the same as required for carriers registered with the commission.

An administrative relief procedure is established so any carrier alleging overpayment need not resort to court. A petition for a refund must be filed within six months from the due date of payment. Currently there is no time limit on refund petitions.

The Bingo Stamp Program and gross weight regulatory fee are repealed. The trip permit, intrastate regulatory fee and repealers take effect January 1, 1994.

**Votes on Final Passage:**

House 97 0  
Senate 37 1  
Effective: July 25, 1993

July 1, 1994 (Sections 2, 3 and 7)



**EHB 1708**  
C 334 L 93

Increasing the membership of the commission on student learning.

By Representatives Peery, Ballard, Dom, Brough, Jones, Pruitt, Cothorn, Basich, Hansen, Roland, Fuhrman, Jacobsen, Ogden, Karahalios, J. Kohl, H. Myers and Johanson.

House Committee on Education  
Senate Committee on Education

**Background:** The 1992 Legislature approved legislation that established a process for developing and implementing new student assessment and school accountability systems for public K-12 schools. The act also began the process of reducing state-level control of how instruction is provided in local school districts.

The legislation created a Commission on Student Learning, which was given the responsibility for developing the new assessment and accountability system. The commission also was directed to take other actions to move the education system toward a "performance-based" system.

The commission is composed of nine members: three appointed by the State Board of Education; three appointed by Governor Gardner; and three appointed by Governor Lowry.

The Governor's Council on Education Reform and Funding has recommended that the size of the commission be increased by two members, and that the governor appoint the commission chair.

**Summary:** The size of the Commission on Student Learning is increased by two members by having the governor appoint five members, instead of only three. The two additional members are to be appointed by June 1, 1993. The governor is to appoint the commission's chair from among its members.

The procedure for filling vacancies on the commission is clarified. The governor is to fill any vacancies of gubernatorial appointments, and the State Board of Education is to fill any vacancies of state board appointments.

**Votes on Final Passage:**

House	89	0	
Senate	35	14	(Senate amended)
House			(House refused to concur)

**Conference Committee**

Senate	44	3
House	98	0

**Effective:** May 12, 1993

**HB 1713**  
C 384 L 93

Revising vehicular window tinting labels.

By Representatives Bray, R. Fisher, Grant and Mastin.

House Committee on Transportation  
Senate Committee on Transportation

**Background:** Under current law window tinting applied to windows, except the windshield, must have a total reflectance of 35 percent or less, plus or minus 3 percent, and a light transmission of 35 percent or more, plus or minus 3 percent, when measured against clear glass. Clear glass is designated as "AS-1" by the Department of Transportation.

Most modern cars, however, contain windows that are designated "AS-2" because they contain slight glazing done by the manufacturer. In order for the Washington State Patrol (WSP) to correctly measure the amount of light reflectance and transmission, it must distinguish between the two different types of glass used as the "yardstick."

The current standards for light reflectance and transmission do not adjust for the two different types of glass.

Current law requires the manufacturers of the sun-screening material, rather than the installers, to certify that the window glazing conforms to state law. Yet RCW 46.37.435 places liability upon the installer for sun-screening materials not in conformance with the minimum standards. Unlawful installation of sun-screening material is punishable as a misdemeanor.

Finally, current law requires that labels certifying compliance with state sun-screening standards be affixed to the vehicle. The WSP is directed to enact regulations specifying the size of the labels and the information required on the labels.

**Summary:** The minimum light transmission standards are adjusted to take into account the more common AS-2 type glazing applied to modern vehicles. This provides the Washington State Patrol with means to accurately measure light reflectance and transmission on both AS-1 and AS-2 types of glass.

The responsibility for certifying compliance is placed on the installers of window tinting material, since they are also subject to sanctions for improper installation under RCW 46.37.435.

Dimensions and information required for labels are defined in statute, rather than by the WSP. Each label shall certify that the window tinting materials are in compliance with the minimum regulations. The labels must be of a certain size, must be affixed to the driver's doorjamb, and must contain the business name and tax identification number of the installer.

**Votes on Final Passage:**

House	96	1
Senate	38	6

**Effective:** July 25, 1993

## SHB 1721

### SHB 1721

C 458 L 93

Authorizing jointly administered health and welfare benefits trusts for local government employees.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives R. Meyers, Dorn, Zellinsky, Wang, Reams, G. Fisher, H. Myers and Mielke).

House Committee on Financial Institutions & Insurance  
Senate Committee on Health & Human Services

**Background:** In 1991, the Legislature overhauled the statute governing local government self-insurance programs. All local government entities were authorized to self-insure property and liability risks and employee health and welfare benefits only as permitted under the new act. The state risk manager was granted regulatory jurisdiction over such programs.

Under the new act, the state risk manager must either approve or disapprove a plan to create self-insurance programs providing employee health and welfare benefits. The state risk manager must also approve or disapprove any change to the initial plan.

The state risk manager may order any approved program to cease and desist any activity or practice in violation of the act or threatening the solvency of the program. If the program fails to comply with the order, the risk manager must notify the state auditor and the attorney general of the violation.

Under the new act, local governments must have complete control over any joint self-insurance program. Investment of program funds must comply with statutes governing the investment by the local government entity creating or participating in the program.

**Summary:** Local government self-insurance programs established as trusts for employee health and welfare benefits may share controlling authority with employees if the local government maintains at least half the voting control, if no more than one non-employee union representative has a voting right, and if the trust agreement contains provisions for breaking any voting deadlocks.

A local government self-insured trust plan must contain a provision that trust funds be expended only for purposes of the trust, consistent with statutes and rules governing the local government creating the trust.

Local government self-insurance programs that have been created as employee trusts must comply with state laws governing local government self-insurance programs within 180 days from the effective date of the act unless the state risk manager extends the compliance deadline for 90 additional days.

If health care reform legislation is enacted, the Health Services Commission shall study ways to bring local government self-insured health trusts under the provisions of the health care reform law.

### Votes on Final Passage:

House	98	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 1993

## SHB 1727

C 419 L 93

Providing a procedure for releasing alien offenders for the purpose of deportation.

By House Committee on Corrections (originally sponsored by Representatives Morris, Long, G. Cole, Padden, Mastin, Lemmon and L. Johnson; by request of Department of Corrections).

House Committee on Corrections  
Senate Committee on Law & Justice

**Background:** Inmates incarcerated in state correctional facilities who are aliens, currently serve their entire sentence before being deported to their home country.

**Summary:** If the United States attorney general finds that an alien is subject to a final order of deportation or exclusion, the alien may be placed on conditional release status and released to the Immigration and Naturalization Service for deportation. Release for deportation may be any time before the expiration of the offender's criminal sentence. Release is at the discretion of the secretary of the Department of Corrections who must find that release is in the best interest of the state. Release may occur only with the approval of the sentencing court and the prosecuting attorney of the county of conviction. Conditional release continues until the offender's maximum sentence expires; and, if an offender has multiple current convictions, the maximum sentence allowed for each crime will run concurrently. No release is permitted for offenders serving a sentence for a violent offense, sex offense or any other offense that is a crime against a person.

Upon release of the offender to the Immigration and Naturalization Service, the unserved portion of confinement is tolled. At the time of release, the department is required to issue a warrant for the offender's arrest. If the deported alien offender reenters the United States and is arrested, the Department of Corrections is directed to seek extradition to return the offender to the department to complete his or her sentence.

An alien offender who has been conditionally released and subsequently arrested on return to the United States is entitled to an administrative hearing consistent with the provisions of conditional release status.

An alien offender who is returned to the department to complete a term of confinement must fully comply with all terms and conditions of the sentence.

Alien offenders released to the Immigration and Naturalization Service for deportation are not relieved of their

obligation to pay restitution or other legal financial obligations ordered by the sentencing court.

Any offender who is released and who returns illegally may not be released a second time.

The secretary is authorized to take all reasonable actions to implement this legislation and must assist federal authorities in prosecuting alien offenders who illegally reenter the United States and enter the state of Washington.

**Votes on Final Passage:**

House	97	0	
Senate	36	12	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 25, 1993

### SHB 1733

C 467 L 93

Clarifying productivity awards programs.

By House Committee on State Government (originally sponsored by Representatives Linville, Reams, Brumsickle, Anderson, Pruitt, Kremen, Wolfe, Sommers, Ballard, Peery, Jones, King, Basich, Roland, G. Fisher, L. Johnson, Romero, Lemmon, Ogden, Karahalios, Eide and H. Myers; by request of Productivity Board).

House Committee on State Government  
Senate Committee on Government Operations

**Background:** The Washington State Productivity Board was created in 1982 to implement employee suggestion programs. The Productivity Board oversees the Teamwork Incentive Program and the Brainstorm Employee Suggestion Program. Under the Brainstorm Employee Suggestion Program, state employee ideas to streamline agency operations and improve services are evaluated by agencies. If the idea is accepted, the employee may receive an award of up to \$10,000. Under the Teamwork Incentive Program, groups of state employees work together to come up with these ideas. Awards are made on a team basis and consist of 25 percent of the savings.

According to the Productivity Board, over the past decade employee suggestions have saved the state nearly \$24 million. In one case, a Department of Social and Health Services third-party cost recovery team saved the state over \$6 million.

Elective officers of the state and their confidential secretaries and administrative assistants are currently prohibited from receiving awards under these programs.

**Summary:** Interagency teams may participate in the Teamwork Incentive Program (TIP). In addition to lower costs, increased revenues may be used as a measure of TIP project success. Awards up to 25 percent of the savings or revenue increases resulting from TIP projects will be granted. Revenue adjustments may be made to take into account the effects of external influences. The provision that TIP projects be for a term of one year is repealed. The

Office of Financial Management is required to distribute the awards for TIP projects that generate revenue.

The Productivity Board is directed to annually compile a topical list of productivity awards and distribute the list to state agencies. The provision that prevents the confidential secretaries and administrative assistants of elected officers from receiving productivity awards is repealed.

**Votes on Final Passage:**

House	97	0	
Senate	44	0	(Senate amended)
House	96	1	(House concurred)

**Effective:** July 1, 1993

### ESHB 1734

C 420 L 93

Adding new judges to the court of appeals.

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Ludwig, Dellwo, Silver, Padden, Peery, Ogden, Mastin, Scott and Johanson; by request of Administrator for the Courts).

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

**Background:** The state Court of Appeals is divided into three divisions. The divisions are designated as 1, 2 and 3, and are respectively headquartered in Seattle, Tacoma, and Spokane. Each of the divisions is further subdivided into three districts.

There are currently 17 judges on the Court of Appeals. Division 1 has nine judges, Divisions 2 and 3 each have four judges.

Judges of the Court of Appeals are elected by district to six-year terms. They must be residents of the districts from which they are elected, and must have been admitted to the practice of law in this state for at least five years.

Periodically, the Office of the Administrator for the Courts analyzes the workloads of the various levels of state courts. The office is recommending increases in the number of judges in each of the divisions of the Court of Appeals.

**Summary:** The number of judicial positions on the Court of Appeals is increased by six, from 17 to 23.

The number of judges in the 1st Division is increased by three, from nine to 12. Two of the new judges are assigned to District 1 which is King County. These two positions take effect January 1, 1994. The other new judge is assigned to District 3, which is Island, San Juan, Skagit, and Whatcom counties. This new position takes effect July 1, 1996.

The number of judges in the 2nd Division is increased by two, from four to six. One of the new judges is assigned to District 2 which is Clallam, Grays Harbor, Jefferson,

## SHB 1741

Kitsap, Mason, and Thurston counties. This new position takes effect July 1, 1993. The other new judge is assigned to District 3, which is Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum counties. This new position also takes effect July 1, 1993.

The number of judges in the 3rd Division is increased by one, from four to five. The new judge is assigned to District 3 which is Chelan, Douglas, Kittitas, Klickitat, and Yakima counties. This new position takes effect July 1, 1994.

Upon its effective date, each new position is to be filled by appointment by the governor. At the next general election following the appointment, the position will be filled by election. Staggered six-year terms are provided.

The new positions are dependent upon funding in a biennial budget.

### Votes on Final Passage:

House	90	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

Effective: May 15, 1993

## SHB 1741

C 501 L 93

Revising penalties for ignoring traffic tickets.

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

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** Many traffic laws have been "decriminalized" and made civil infractions instead of crimes. For these infractions, no jail time may be imposed, but civil punishment includes fines and in some instances loss of driving privileges. Although infractions themselves are not crimes, failing to respond to a notice of infraction is a crime.

Under the "Nonresident Violator Compact," a state may agree to release motorists from another state who are cited for traffic law violations without requiring the motorists to post appearance bonds. Such an agreement is dependent, however, on the home state of a cited motorist having a law which requires driver's license suspension for failing to comply with a traffic citation. Washington has adopted the compact, but does not have a law that would require license suspension for Washington drivers who fail to comply with citations issued by other participants in the compact. Washington does have a law that prohibits renewal of a license for a person who has failed to comply.

The state's motor vehicle code has various escalating penalties for driving without a license and for driving while intoxicated (DWI). The crime of driving while a license is suspended or revoked may be committed in any

one of three degrees, depending on the offense for which the license was suspended or revoked. Driving without a license that was suspended for being an habitual traffic offender is first-degree driving with a suspended or revoked license. The second-degree offense involves driving following the loss of a license for DWI or other relatively serious traffic offenses. The third-degree offense involves driving after a license has been suspended or revoked solely for secondary reasons such as failure to furnish proof of financial responsibility, or failure to renew a license after a period of suspension has expired.

**Summary:** Crimes relating to failure to respond to a traffic infraction and failure to comply with a traffic citation are repealed. The offenses are made infractions for which the Department of Licensing (DOL) is to suspend a driver's license. If a Washington driver fails to respond or comply in the case of an out-of-state offense, DOL will also suspend the driver's license. A suspension continues until the driver responds or complies, shows proof of financial responsibility, and pays a \$20 reinstatement fee.

The mandatory minimum jail term for first-degree driving with a suspended or revoked license as the result of being an habitual offender is reduced from one year to 180 days. The crime of driving with a suspended or revoked license in the third degree is amended to include persons who drive while their licenses are suspended as the result of failing to respond to a notice of a traffic infraction or failing to comply with a citation.

Several changes are made with respect to the crime of DWI:

- (1) The ground for suspending the otherwise mandatory jail time for DWI is changed. The required risk to a defendant's physical or mental well-being must be "substantial."
- (2) The Department of Social and Health Services, instead of the court, must periodically review the alcohol information schools attended by DWI offenders.
- (3) For persons convicted of DWI while they were driving with a suspended or revoked license in the first or second degree, the minimum mandatory fine is raised from \$200 to \$500. This fine and its accompanying mandatory 90 days in jail no longer apply to persons convicted of DWI while driving without a license as a result of third-degree driving with a suspended or revoked license.
- (4) A change is made to an ambiguous requirement that a court impose, in addition to the mandatory jail time for DWI, a suspendible term of imprisonment "not exceeding 180 days" that is suspendible but not deferrable "for a period not exceeding two years." This provision is changed to require that the additional suspendible term of confinement be for a period of up to two years.

Various changes are made to the form requirements for notices of traffic infractions and citations in order to reflect the changes made in the substantive provisions described above.

**Votes on Final Passage:**

House	98	0	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Senate	47	0	(Senate receded)
<b>Effective: July 25, 1993</b>			

**ESHB 1744**  
**PARTIAL VETO**  
**C 502 L 93**

Changing provisions relating to the LEOFF system.

By House Committee on Appropriations (originally sponsored by Representatives Heavey, G. Cole, Brough and Orr).

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:**

**LAW ENFORCEMENT OFFICERS**

The Washington Mutual Aid Peace Officer Powers Act of 1985 divides law enforcement officers into two general categories. "General authority peace officers" are those with power to enforce any general criminal law of the state of Washington. General authority officers include county and city police, but also police employed by the state's universities and some port districts. These officers are distinguished from "limited authority peace officers" with powers to enforce only the laws over which their employing agency has jurisdiction, such as gambling, liquor control, wildlife, or fisheries enforcement officers.

The Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) defines an eligible law enforcement officer for purposes of retirement credit as a full-time, fully compensated county sheriff, deputy sheriff, city police officer, or town marshal. Peace officers employed by universities and port districts are outside this LEOFF definition, and therefore are members of the Public Employees' Retirement System (PERS).

Eligibility for full retirement benefits under PERS Plan II comes at age 65. Under LEOFF II, eligibility for full benefits is age 58.

**PORTABILITY/DUAL MEMBERSHIP**

If an employee leaves employment in one retirement system and moves to another, service credit is split between the two systems. Unless there is a policy of portability, the employee ends up with a lower retirement benefit than if he or she had remained in one system for an entire career. This is because the benefit in the first retirement system will be calculated using the outdated average final compensation earned by the employee when he or she left the first system.

Portability, or "dual membership," is allowed between most of the state's retirement systems. However, it does not extend to LEOFF.

LEOFF retirement contributions are paid by the employee, the employer, and the state. The employee rate is always equal to the employer and state rates combined, so that the employee shares in the cost of retirement benefits.

**Summary:**

**MEMBERSHIP ELIGIBILITY**

Beginning January 1, 1994, the definition of "employer" under Plan II of the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF II) includes any general authority law enforcement agency having as its primary function the detection and apprehension of persons violating the traffic or criminal laws in general. Such an agency is distinguished from a limited authority law enforcement agency having as only one of its functions the detection and apprehension of persons violating laws relating to limited subject areas, including the state departments of Fisheries, Wildlife, and Corrections.

Also effective January 1, 1994, the definition of "law enforcement officer" under LEOFF means any person commissioned and employed by an employer to enforce the general criminal laws of the state.

**MEMBERSHIP TRANSFER**

An employee who, as of January 1, 1994, meets the new definition of law enforcement officer, but was previously a member of the Public Employees' Retirement System (PERS), may address future retirement service credit in one of two ways, by making an irrevocable choice in writing before January 1, 1995:

- (1) The employee may remain a member of PERS; or
- (2) The employee may transfer to LEOFF II and have dual membership with PERS under portability.

If the Department of Retirement Systems determines that transfers of service credit and accumulated contributions between retirement systems are permitted by federal law without causing adverse income tax liability for an employee or the pension funds, then an employee who transferred future credit to LEOFF II can also transfer service credit as a law enforcement officer previously earned in PERS. The employee must make an irrevocable choice in writing within one year of the department's announcement of the ability to make such a transfer.

Any applicable service credit as a law enforcement officer, plus the accumulated employee and employer retirement contributions for the credit, will be transferred from PERS to LEOFF II for an employee who chooses such a transfer.

In addition, the employee must pay the difference between the employee contribution rate in PERS and the contribution rate in LEOFF, plus interest for the transferred credit. The employer must pay the difference between the employer contribution rate in PERS and the rate in LEOFF, plus sufficient interest to ensure that the contribution rate for other LEOFF members does not increase as a result of the transfer.



PORTABILITY/OTHER

Portability is created between LEOFF II and the other state retirement systems, but only for the employees affected by this act who choose to transfer to LEOFF.

Port districts and institutions of higher education must pay both the employer and the state retirement contribution rate in LEOFF for any employees who are law enforcement officers.

The list of issues for consideration by an interest arbitration panel is not to be construed by the panel to require an employer to pay the increased employee contributions toward retirement that result from the benefits provided in this act.

**Votes on Final Passage:**

House	98	0	
Senate	45	2	(Senate amended)
House	97	0	(House concurred)

**Effective:** January 1, 1994

**Partial Veto Summary:** The governor's veto of Section 4 of the bill does not impact the provisions of the bill. The provisions in section 4 were also included in section 8 of ESHB 1294, which the governor signed.

**VETO MESSAGE ON ESHB 1744**

May 18, 1993

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington,  
Ladies and Gentlemen:

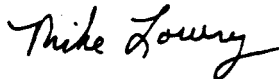
I am returning herewith, without my approval as in section 4, Engrossed Substitute House Bill No. 1744 entitled:

"AN ACT Relating to the law enforcement officers' and fire fighters' retirement system;"

Engrossed Substitute House Bill No. 1744 expands the definition of membership in the Law Enforcement Officers' and Fire Fighters' retirement system to include officers employed by institutions of higher education and port districts. I strongly favor the bill's direction in allowing more consistent membership definition. However, section 4 amends RCW 41.54.010 which is also amended in Engrossed Substitute House Bill No. 1294 section 8, which I will be signing to allow portability for all LEOFF II members. Therefore, section 4 of this bill is unnecessary.

With the exception of section 4, Engrossed Substitute House Bill No. 1744 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

Changing financial aid provisions.

By Representatives Shin, Quall, Wood, Jacobsen, Veloria, Wineberry, Valle, Morris, Basich, Kessler, Orr, L. Johnson and J. Kohl.

House Committee on Higher Education  
Senate Committee on Higher Education

**Background:** By law, with one exception, each state college and university must deposit 2.5 percent of the money collected for tuition and services and activities fees into a local fund. The fund is called the institutional long-term loan fund. The fund was originally created in 1981 when attempts were contemplated nationally to scale back or eliminate the Guaranteed Student Loan Program. Technical colleges are not required to have a long-term loan fund.

The law permits institutions to act as lenders for the Guaranteed Student Loan Program. Each institution can use the money in the institutional long-term loan fund to make loans to students who cannot get educational loans from private financial institutions. In addition, money in the fund may be used to make short-term loans to students waiting to receive a guaranteed student loan. Short-term loans cannot exceed 120 days.

The institutions of higher education never acted as lenders. In 1983, the purpose of the fund was expanded to allow each college and university to use the money in the fund for financial aid for needy students.

In order to be eligible for any money from the fund, a student must be financially needy, must be taking six or more credit hours, and must be eligible to pay resident tuition and fee rates.

**Summary:** The institutional long-term loan fund is renamed the institutional financial aid fund. Money in the fund may be used for any of the following purposes: (1) to make guaranteed long-term loans to needy resident students; (2) to make short-term loans to any enrolled student who is not in default of a guaranteed student loan and who has a capacity to repay the loan; and (3) to provide financial aid to needy resident students. Short-term loans may be made for a maximum of one year.

Students participating in the Educational Opportunity Grant Program must attend an institution that is accredited by an accrediting association recognized, by rule, by the Higher Education Coordinating Board.

The Higher Education Coordinating Board may determine any salary matching requirements for off-campus community service employers participating in the State Work Study Program. The board will define, by rule, community service placements.

**Votes on Final Passage:**

House	98	0	
Senate	43	0	(Senate amended)
House			(House refused to concur)

**Conference Committee**

Senate	44	1
House	94	0

Effective: July 25, 1993

**HB 1751**

C 257 L 93

Modifying compensation of forest practices board members.

By Representatives Anderson and Reams.

House Committee on State Government  
House Committee on Appropriations  
Senate Committee on Natural Resources

**Background:** The Forest Practices Board is responsible for promulgating regulations relating to logging, reforestation, and other forest practices. The board consists of: the commissioner of public lands; the directors of the departments of Trade and Economic Development, Agriculture, and Ecology; an elected member of a county legislative authority; and six members of the general public. Members serve four year terms.

Forest Practices Board members who are neither public employees nor elected officials are compensated for their services. Currently, the Forest Practices Board is classified as a Class 3 compensation group. The rate of compensation in Class 3 for each day that a member attends an official meeting of the board or performs statutorily prescribed duties approved by the chair of the board is not more than \$50 per day.

Class 4 groups are compensated at a rate of not more than \$100 per day that services are rendered. Class 4 groups are characterized by having duties that are deemed by the Legislature as having overriding sensitivity and importance and by requiring service from its members that is normally in excess of 100 hours of meeting time per year.

**Summary:** The Forest Practices Board is reclassified for compensation purposes from a Class 3 to Class 4 group. The rate of compensation is raised from not more than \$50 per day to not more than \$100 per day.

**Votes on Final Passage:**

House	94	0
Senate	39	5

Effective: July 25, 1993

**SHB 1752**

C 425 L 93

Changing telephone relay service provisions.

By House Committee on Energy & Utilities (originally sponsored by Representatives Grant, Casada and Miller).

House Committee on Energy & Utilities  
House Committee on Revenue  
Senate Committee on Energy & Utilities  
Senate Committee on Ways & Means

**Background:**

**TELEPHONE RELAY SERVICE (TRS)**

In 1987, the Legislature enacted a program to enable hearing and speech impaired persons to access telecommunications systems. This program is administered by the Office of Deaf Services within the Department of Social and Health Services.

Under the 1987 program, state-owned text telephone devices are distributed to the hearing-impaired community. These devices allow hearing and speech impaired persons to communicate directly with each other. The program also provides a telephone relay service which enables a text telephone user to communicate with a hearing person via an operator who converts printed text to spoken words and vice-versa. The relay service became operable in 1989.

The TRS is funded by an excise tax placed on each telephone access line. Currently, there is a statutory ceiling on the excise tax of \$0.10 per line per month. Monies raised by the excise tax are placed in a nonappropriated, nonallotted fund. The Utilities and Transportation Commission (UTC) sets the actual rate to be charged by dividing the total program budget by the total number of access lines.

**AMERICANS WITH DISABILITIES ACT**

In 1990, Congress enacted the Americans with Disabilities Act (ADA) which, among other things, requires all states to develop a telephone relay service by July 1993. Provisions of the ADA and rules adopted to implement the ADA require that persons with hearing or speech impairments be able to access telecommunications systems in a manner which is functionally equivalent to hearing persons. While the ADA requires each state to have a relay service, it does not require that the states provide disabled persons with equipment.

In response to the ADA, the 1992 Legislature enacted legislation requiring that the Office of Deaf Services establish a TRS program that meets the requirements of the ADA and seek federal approval of that program. The office was also required to seek and award contracts for the operation and maintenance of the new program. Recently, the office has awarded a contract to American Telephone & Telegraph (AT&T) to operate and maintain the program.

**Summary:** The statutory ceiling on the TRS excise tax is increased to 19 cents. The TRS excise tax is to be sepa-

## HB 1757

rately identified on each ratepayer's bill with the following statement: "Funds Federal ADA Requirement."

The Telephone Relay Service Program budget is to be submitted to the Office of Financial Management (OFM) for review and approval before it is submitted to the UTC for rate setting.

A means test is established under which persons who are eligible to receive equipment under the current program will be assessed certain charges depending on criteria such as family income. The specific rules are as follows:

- (1) There will be no charge, in addition to the basic rate, for people who (a) are eligible for the Washington Telephone Assistance Program, (b) have family incomes equal to or less than 165 percent of the federal poverty level, or (c) are 18 years of age or younger with a family income level equal to or less than 200 percent of the federal poverty level.
- (2) Eligible persons with family incomes greater than 165 percent and equal to or less than 200 percent of the federal poverty level are to be assessed charges on a sliding scale basis determined by the Department of Social and Health Services (DSHS).
- (3) Eligible persons with family incomes greater than 200 percent of the federal poverty level are to pay the full cost of the equipment to DSHS.
- (4) DSHS may waive part or all of the charges for tele-braille and other expensive equipment if DSHS finds that the charges would impose an undue hardship on the recipient.

Certification of family income by the eligible person or the person's guardian or head of household is sufficient to determine eligibility.

### Votes on Final Passage:

House	97	0	
Senate	38	9	(Senate amended)
House	97	0	(House concurred)

Effective: May 15, 1993

## HB 1757

C 192 L 93

Requiring continuing education for electricians.

By Representatives Heavey, Veloria, Brumsickle, Lisk and King.

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

**Background:** A person working as an electrician must have a certificate issued by the Department of Labor and Industries, unless the specific work is exempted from the certification requirement.

The department issues a certificate of competency to qualified applicants who pass an examination administered by the department. The certificate expires every two years, but, is renewed without examination upon application and

the payment of a fee. Reexamination may be required if the certificate has been revoked, suspended, or not renewed within 90 days after the expiration date. There is no requirement of continuing education for certified electricians.

**Summary:** In order to renew a journeyman or specialty electrician certificate of competency, the certificate holder must demonstrate to the department that he or she has satisfactorily completed an annual eight-hour continuing education course. The contents and requirements of the course shall be determined by the director and approved by the electrical board. The certificate shall be renewed every three years.

A continuing education course offered in another state may meet the requirements for renewing a certificate if the department is satisfied that the course is comparable in nature to the course required in Washington.

### Votes on Final Passage:

House	92	5
Senate	46	2

Effective: July 25, 1993

## ESHB 1758

C 322 L 93

Including public safety directors in the definition of "law enforcement officer."

By House Committee on Appropriations (originally sponsored by Representatives Chappell, Brumsickle, Orr, Springer, Riley and Sheldon).

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** The definition of law enforcement officer for determining membership in the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) requires that the person be employed as a "full-time, fully-compensated" officer. The definition of fire fighter is also restricted to a full-time employee of a fire department, actively employed as a fire fighter.

Some jurisdictions have created public safety officers or, in some cases, a director of public safety to oversee both the police and fire departments. Under the current LEOFF definition, a public safety officer or director is neither a full-time fire fighter, nor a full-time law enforcement officer, and therefore not a member of LEOFF, even though the person may have served as one or the other during his or her career, and may still substantially perform the duties of one or both jobs.

**Summary:** Membership in the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) is extended to public safety officers and directors of public safety in cities and towns of less than 10,000, as long as

the job duties of such a person substantially involves either police or fire duties, or both, and no other duties.

This membership extension does not apply to someone who is receiving a retirement allowance under LEOFF when the act takes effect.

This membership applies retroactively to January 1, 1993.

**Votes on Final Passage:**

House	98	0
Senate	47	1

Effective: May 12, 1993

**ESHB 1760**

C 426 L 93

Regulating obligations for child support and spousal maintenance.

By House Committee on Judiciary (originally sponsored by Representatives H. Myers, Brough, Appelwick, Miller, Johanson, Chappell, Ludwig, Scott and Mastin).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** A variety of provisions exist to enforce support obligations ordered for a dependent child or for a former spouse. One method to enforce child support is a "wage assignment order" which directs the obligor's employer to deduct the child support ordered from the obligor's wages. Unlike a garnishment, a wage assignment order is an ongoing order with which the employer must comply until directed otherwise. Spousal maintenance may be collected through a wage assignment order only if support for a dependent child is also due.

Employers must make child support payments to the Washington State support registry unless the court orders otherwise. Obligor's may make spousal maintenance payments directly to the former spouse.

An employer served with a mandatory wage assignment order must hold a wage assignment order for one year after the employee has left employment. The wage assignment order remains in effect during that time. If the employee returns to employment within the year, the employer must continue to deduct support pursuant to the wage assignment order.

Wage assignment orders for child support have priority over other garnishments or wage assignments against the obligor's earnings, except other child support garnishments or wage assignment orders. If more than one child support wage assignment order is in effect, the employer must divide the earnings among the various obligees equally.

Contempt is another remedy to enforce support ordered for a dependent child.

The prevailing party is entitled to recover costs and reasonable attorneys' fees in an action to enforce support

for a dependent child. The obligor may not be considered the prevailing party unless the obligee acted in bad faith.

If an obligor who has been ordered to obtain health insurance coverage for his or her dependents fails to obtain or maintain the insurance coverage, the obligee or the Office of Support Enforcement may enforce the coverage by requiring the obligor's employer to enroll the dependents in the health insurance plan. The provisions governing enforcement of health benefits do not explicitly provide that the obligee or department may enforce collection of any deductible paid under the plan or any out-of-pocket medical expenses incurred that are not covered by the plan. In practice, the obligee or the department may enforce collection of those expenses if a court order requires enforcement.

Federal law provides that wages or other "remuneration for employment" of federal employees may be collected for child support or spousal maintenance. Remuneration for employment includes payments of pensions, retirement or retired pay, annuities, dependents' or survivors' benefits, and "black lung" benefits. "Remuneration for employment" is not included in the state definition of "earnings" against which a mandatory wage assignment benefit may be enforced.

**Summary:** Spousal maintenance may be collected by use of a mandatory wage assignment order even if child support is not also due. A contempt action may also be used to enforce a spousal maintenance order. The court has continuing jurisdiction to enforce a support or maintenance order and may use contempt to collect all sums due, including arrearages.

The mandatory wage assignment order may be asserted against "remuneration for employment" as payable by the United States to the obligor.

Withheld earnings may be delivered to the Washington State support registry or, if the wage assignment is just for spousal maintenance, to the former spouse.

The wage assignment order will remain in effect for one year after the employee has left employment or the employer is no longer in possession of any earnings or remuneration owed to the employee, whichever is later.

Child support wage assignment orders continue to have priority over spousal maintenance wage assignment orders but spousal maintenance wage assignment orders have priority over other garnishments. If more than one spousal maintenance order is asserted against the obligor's wages and the total due exceeds the amount of available disposable earnings, the wages will be divided among the obligees equally.

The provision concerning the award of reasonable attorneys' fees and costs to the prevailing party is amended to specify that a "support order" also includes a maintenance order.

The obligee and the Office of Support Enforcement are expressly authorized to collect the obligor's portion of any deductible paid for medical expenses, or any medical ex-

## ESHB 1761

penses incurred that exceed the coverage under the plan. The amount must be reduced to a sum certain in a court order before the obligee or the department may enforce collection through a wage assignment order.

### Votes on Final Passage:

House 98 0  
Senate 42 2

Effective: July 25, 1993

## ESHB 1761

C 6 L 93 E1

Clarifying and extending dates established under the growth management act.

By House Committee on Local Government (originally sponsored by Representatives H. Myers, Edmondson, Bray, Pruitt, Appelwick, R. Fisher, Wineberry, Peery, Wood, Eide, Cothorn, Ogden, Jones, Ludwig, Riley, Ballard, Springer, Linville, Rayburn, Kessler, Brown, Long, Chandler, Foreman, Mastin, Johanson, Sehlin, L. Johnson, Morris, Karahalios, Lemmon, Hansen, Cooke and Fomer).

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** The Growth Management Act was enacted in 1990 and 1991.

### WHO MUST PLAN UNDER THE ACT

A county is required to plan under all the requirements of the Growth Management Act if either: (1) The county has a population of 50,000 or more and the population of the county has increased by 10 percent or more over the last 10 years; or (2) the county has a population of less than 50,000 and its population has increased by 20 percent or more over the last 10 years.

In addition, the governing body of a county may adopt a resolution requiring the county to plan under all of the requirements of the Growth Management Act.

A city or town is required to plan under all of the requirements of the Growth Management Act if the county in which it is located is subject to those requirements.

Once a county is required to plan under the Growth Management Act, by either meeting one of the two sets of population criteria or by the county legislative authority opting to plan under the Growth Management Act, the county and cities and towns in the county remain subject to the requirement to plan under all of the requirements of the Growth Management Act.

### PRIMARY REQUIREMENTS UNDER GROWTH MANAGEMENT ACT

The Growth Management Act includes a number of requirements for every county, city, and town that plans under all of the requirements of the act. In addition, the Growth Management Act includes a few requirements for other counties, cities, and towns in the state.

The primary requirements for counties, cities, and towns that plan under all of the requirements of the Growth Management Act include:

- (1) Each county, city, and town must identify and protect five different types of critical areas, including wetlands.
- (2) Each county, city, and town must identify and conserve natural resource lands with long-term commercial significance for agriculture, forestry, or mineral resource extraction.
- (3) Each county must adopt a countywide planning policy using a process agreed to by the county and cities and towns located in the county. The countywide planning policy provides a framework for the comprehensive plans that the county, cities, and towns adopt.
- (4) Each county must designate urban growth areas within the county inside of which urban growth shall occur and outside of which urban growth shall not occur.
- (5) Each county, city, and town must adopt a comprehensive plan that includes a variety of elements and designations of critical areas and natural resource lands. The comprehensive plan of a county must include its designations of urban growth areas. A comprehensive plan must be internally consistent. A comprehensive plan must be coordinated with, and consistent with, comprehensive plans of nearby jurisdictions and jurisdictions with related regional issues.
- (6) Each county, city, and town must adopt development regulations implementing its comprehensive plan.

Counties, cities, and towns are given broad discretion under the Growth Management Act to adopt comprehensive plans and development regulations, which are presumed valid upon adoption.

Three separate growth planning hearings boards are established with authority to hear complaints over actions taken by counties, cities, and towns under the Growth Management Act and determine if a county, city, or town is in compliance with the requirements of the act. Each of the three separate boards has jurisdiction over counties, cities, and towns within separate geographic areas in the state.

Counties, cities, and towns that plan under all of the requirements of the Growth Management Act may impose impact fees on development activities to finance certain public facilities the need for which is directly attributable to the development activity. Impact fees may not be imposed after July 1, 1993, unless the county, city, or town has adopted its comprehensive plan under the Growth Management Act. That is the same date when the counties, cities and towns that are initially required to plan under all the requirements of the Growth Management Act must have adopted their comprehensive plans.

**Summary:** The dates are clarified and in certain instances extended by which some of the actions under the Growth Management Act are required to have been taken by counties, cities, and towns that plan, or will become required to plan, under all the requirements of the Growth Management Act.



The deadline by which a county, city, or town must adopt its comprehensive plan is extended: (1) A county with a population of 50,000 or more that was initially required to plan under all the requirements of the Growth Management Act, and a city or town located in the county, must adopt its comprehensive plan by July 1, 1994. (2) A county with a population of less than 50,000 that was initially required to plan under all of the requirements of the Growth Management Act, and a city or town located in the county, must adopt its comprehensive plan by January 1, 1995. However, the governor can reduce this extension by up to 180 days for a county under 50,000 population, or a city or town in such a county, if the governor finds that the county, city, or town is not making reasonable progress toward adopting its comprehensive plan. (3) Each other county, city, and town that plans under the Growth Management Act must adopt a comprehensive plan within four years of the date it becomes subject to these requirements.

Development regulations implementing the comprehensive plan must be adopted on or before the same date that the comprehensive plan is required to be adopted, but a jurisdiction may obtain an additional six month extension by sending a letter to the Department of Community Development indicating its need for the time extension.

The deadline by which urban growth areas must be designated is separated from the requirement for adopting the comprehensive plan and extended by three months. Counties that were initially required to plan under the Growth Management Act must adopt development regulations designating interim urban growth areas by October 1, 1993. Each other county must adopt development regulations designating interim urban growth areas within three years and three months of the date the county became subject to all the requirements of the Growth Management Act. Final urban growth areas are included in a county's comprehensive plan.

A county that begins planning under all the requirements of the Growth Management Act after June 1, 1991, must adopt a countywide planning policy within 14 months of the date when the county came under the requirements.

The governor may impose sanctions on a county, city, or town that fails to take actions required under the Growth Management Act by the dates such actions are required to have been taken. The sanction will be withholding of certain moneys that the state distributes to the county, city, or town. Prior to imposing sanctions, the governor must make a written finding that the county, city or town has not proceeded in good faith or has unreasonably delayed taking the required action. The governor must consult with the appropriate growth planning hearings board prior to imposing a sanction. The governor must consider the size of a county, city, or town relative to the requirements of the Growth Management Act, and the degree of technical and financial aid that was provided, when imposing a sanction

on a county, city, or town that is not required to plan under all of the requirements of the Growth Management Act.

A county, city, or town may not impose impact fees after the date it is required to have adopted its comprehensive plan unless it has actually adopted its comprehensive plan.

**Votes on Final Passage:**

House	95	3	
Senate	43	1	(Senate amended)
House			(House refused to concur)

**First Special Session**

House	93	1	
Senate	39	7	(Senate amended)
House	89	3	(House concurred)

**Effective:** June 1, 1993

**SHB 1765**

C 459 L 93

Creating a corrections mental health center operated through a partnership of the department of corrections and the University of Washington.

By House Committee on Corrections (originally sponsored by Representatives L. Johnson, Morris, Long, Cooke, Dellwo, Mastin, Thibaudeau, Campbell, Riley, Johanson, Karahalios, Eide, J. Kohl, Springer and Leonard).

- House Committee on Corrections
- House Committee on Appropriations
- Senate Committee on Law & Justice
- Senate Committee on Ways & Means

**Background:** Sentences for mentally ill offenders are established by the courts according to the severity of the crime and the offender's prior criminal history. The Department of Corrections does not have authority to set or modify special terms of incarceration or community supervision for a mentally ill offender.

No comprehensive and centralized rehabilitative mental health offender program currently exists within the Department of Corrections. The assistance that is provided to the incarcerated mentally ill offender is facility specific and depends on the capacity of the medical and counseling staff and the constraints of the facility.

The Department of Corrections Division of Community Corrections has a limited capacity to accommodate both mentally ill and developmentally disabled offenders. Within the division, the mentally ill and developmentally disabled offenders are served through designated work release facilities such as Lincoln Park/Rap House and, to a limited degree, other work release facilities and field offices in communities throughout the state. Staff at Lincoln Park/Rap House receive specialized training in managing mentally ill and developmentally disabled offenders. Community corrections officers are trained in managing mentally ill and developmentally disabled offenders, including:

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identification of decompensation, familiarity with commonly used medications and their side effects, case management and referral procedures, and intervention techniques. The division receives offenders who have served time in prison and require transitional services, supervision, and support as they reintegrate into the community.

Approximately 1,500 offenders in Department of Corrections facilities have been diagnosed as having a major mental illness.

**Summary:** The Department of Corrections and the University of Washington, through its Institute of Public Policy and Management, are allowed to develop a collaborative arrangement to provide improved services for mentally ill offenders, including establishing a mental health center at McNeil Island Corrections Center. A requirement of the collaborative arrangement is the establishment of an advisory panel of key stakeholders drawn from a broad array of corrections, community advocacy, law enforcement, mental health, and criminal justice interest groups. Together, the Stakeholder Advisory Panel, the University of Washington, and the Department of Corrections are required to develop a strategic plan for the center that will address the following program objectives: develop new and innovative treatment approaches; improve the quality of services within the prisons; address the need for prevention and reintegration strategies for the mentally ill offender when he or she is released; facilitate mental health staff recruitment and training requirements; expand treatment services research for the Department of Corrections and the entire correctional system; develop organizational models and training for mental health professionals; improve the working environment for correctional employees; strengthen the multi-disciplinary collaborations between the appropriate departments within the University of Washington, the public health sector, community mental health system, and local jails; develop a working coalition of mental health professionals in this field; and design and develop a comprehensive coordinated continuum of mental health care from entry in prison until the mentally ill individual is transitioned back to the outside community.

The University of Washington is responsible for conducting research, training, and treatment activities for the mentally ill offender at the center. The Department of Corrections is given responsibility for all aspects of the center that involve the offender's housing, care, and supervision. Other state colleges, universities and mental health providers may be involved with the center's activities on a sub-contract basis. Mentally ill offenders may be transferred to the center based on the offenders' needs, the availability of services, and other department considerations.

The Department of Corrections is required to report annually to the Legislature on the attainment of the center's goals.

### Votes on Final Passage:

House	96	2	
Senate	34	0	(Senate amended)
House	96	1	(House concurred)

Effective: May 17, 1993

## SHB 1766

C 424 L 93

Concerning automotive repair.

By House Committee on Commerce & Labor (originally sponsored by Representatives G. Cole, Heavey, Ogden, Zellinsky, R. Meyers, Wang, Conway and J. Kohl; by request of Attorney General).

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

**Background:** In 1977, the Automotive Repair Act was enacted in response to a significant number of complaints received by the Department of Licensing and Office of the Attorney General. The complaints involved auto repair shops charging for services not rendered, selling old parts for new, and charging for repairs done without first obtaining the car owner's approval.

The act, as amended in 1982, provides that if the estimated price of a repair job exceeds \$75, the consumer is entitled to a written estimate. If the original estimate is under \$75, no more than \$75 may be charged without customer approval. The act also requires auto repair facilities to return replaced auto parts at the request of the customer. Shops are required to prominently post notice of the customers' rights as to estimates. Violations of the act are subject to the Consumer Protection Act. Costs and attorney fees are authorized to the prevailing party in a suit for repair charges. The Department of Licensing and the Department of Revenue annually must provide written notice of this act with license plate renewals and business and occupation tax forms.

In 1992, automotive repair problems were the second most frequent consumer complaint received by the Office of the Attorney General. Frequent complaints focus on a perceived lack of clarity of the notice and estimate of cost provisions in the law.

**Summary:** The automotive repair statute is amended to provide more specificity and to improve communication between automotive repair facilities and consumers.

Gender specific language is replaced with gender neutral language, for example, the term "automotive repairman" is replaced with "automotive repair facility."

All estimates exceeding \$100 must be in writing and include: the date, the name, address, and phone number of the repair facility; the name, address, and phone number of the customer, or the customer's designee; if the vehicle was delivered for repair, the year, make, model, license plate number or last eight numbers of the vehicle identi-

cation number, and odometer reading of the vehicle; a description of the problem or the specific repairs requested; and a choice of alternatives for the customer. The customer's alternatives remain essentially the same. They are: (1) I request an estimate in writing before you begin repairs. Contact me if the price will exceed the estimate by more than 10 percent; (2) Proceed with repairs, but contact me if the price will exceed a given price; or (3) I do not want a written estimate.

A repair facility is required to provide more specific information on an invoice. The invoice must include: a description of the services performed; a list and description of all parts supplied and an indication of whether the parts are rebuilt, used, or after market body parts or nonoriginal equipment manufacturer body parts; the price per part and total amount charged for all parts; the total amount charged for all labor; and the total charge. A copy of the estimate must be provided to the customer and a copy retained by the repair shop. A copy of the invoice must be provided to the customer. Only material omissions in the estimate or invoice are actionable in a court of law or equity.

The rights of the customer regarding written estimates are made more specific. The repair facility may not charge more than 110 percent of the estimated price unless it has first obtained written or oral authorization of the customer. If the customer gives his or her oral authorization, the repair facility must note on the estimate the date and time of the oral authorization, the cost of additional parts and labor required or where collision repair is involved, after market body parts or nonoriginal equipment manufacturer body parts, the name of the employee who obtains the authorization, the name or identification number of the employee obtaining the authorization, and the name and the phone number of the person authorizing the additional costs.

A written estimate is not required when there is no face-to-face contact between the customer and the repair facility. However, prior to providing parts or labor, the repair facility must obtain either the customer's oral or written authorization.

The requirement that the repair facility post a sign advising the customer of his or her rights is retained. However, the language of the sign is changed to reflect changes in the law.

If a repair shop fails to comply with the requirements governing estimates and invoices, it is barred from recovering more than 110 percent of the amount authorized by the customer, unless the repair shop can prove that the action it took was reasonable, necessary, and justified. A repair shop that fails to comply with specific requirements of the act relating to estimates, invoices, and other consumer rights, is barred from asserting a possessory or chattel lien for the amount of the unauthorized parts or labor.

Specific acts or practices are declared to be unfair or deceptive:

(1) advertising that is false, deceptive, or misleading;

- (2) materially misstating the estimated price for a specified repair procedure;
- (3) retaining payment from a customer for parts not delivered or installed or a repair procedure not performed;
- (4) unauthorized operation of a customer's vehicle for purposes not related to repair or diagnosis;
- (5) failing or refusing to provide a customer, upon request, a copy of any document signed by the customer, at no cost;
- (6) retaining duplicative payment from both the customer and the warranty or extended service provider for the same covered part or labor; and
- (7) charging a customer for repairs for which there is no reasonable basis.

The repair shop must make available upon request a copy of any express warranty provided by the repair facility to the customer that covers repairs performed on the vehicle.

The language making a violation of the chapter a per se violation of the Consumer Protection Act is updated.

**Votes on Final Passage:**

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

**Effective:** January 1, 1994

## SHB 1767

C 94 L 93

Requiring certification of community and technical college intercollegiate coaches.

By House Committee on Higher Education (originally sponsored by Representatives Basich, Jacobsen, Brumsickle, Dellwo, Leonard, J. Kohl, Ogden, Quall, Bray, Kessler, Shin and Johanson).

House Committee on Higher Education  
Senate Committee on Higher Education

**Background:** Intercollegiate sports are an important component of the educational experience. Participants can receive physical, social, emotional and intellectual benefits. The quality of the benefits a participant receives, however, can be influenced by the qualifications and competence of the coach. Currently, neither registration or certification of community college intercollegiate coaches is required by state law.

**Summary:** The State Board for Community and Technical Colleges in consultation with the Northwest Athletic Association of Community Colleges will encourage the use of minimum standards for intercollegiate coaches. The minimum standards are: (1) up-to-date certification in CPR and first aid; (2) knowledge of Northwest Athletic Association rules; and (3) participation by coaches in in-service training and activities. The community and technical colleges are also encouraged to provide training for athletic coaches

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in the common schools, youth groups, and community sports programs.

The State Board for Community and Technical Colleges will report to the Legislature by December 30, 1994, on the existing process for determining the qualifications of intercollegiate coaches and make recommendations for improving the knowledge and competence of coaches.

### Votes on Final Passage:

House	98	0
Senate	45	1

Effective: July 25, 1993

## HB 1769

C 258 L 93

Expanding the authority of the interagency committee for outdoor recreation regarding recreational trails.

By Representatives Linville, R. Johnson, Dunshee, Wolfe, Pruitt, Rust, Karahalios, Stevens, Schoesler, Jacobsen, Basich and J. Kohl.

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

**Background:** In 1970, the Legislature established the concept of a state recreational trails system. The Legislature delegated the responsibility for preparation of a state trails plan to the Interagency Committee for Outdoor Recreation (IAC).

Under current law, the IAC is authorized and encouraged to cooperate with several entities to see if abandoned roadways, utility rights-of-way, and other properties are suitable and available for inclusion in the state trail system. The IAC is encouraged to consult and cooperate with federal, state, and local government agencies, with private landowners, and with privately owned utilities.

**Summary:** In addition to the entities identified above, the IAC is also expressly authorized and encouraged to consult with diking, drainage and flood control special districts. In addition to abandoned roadways and utility rights-of-way, the IAC is to consider dikes and levees for inclusion in the state trails system.

### Votes on Final Passage:

House	97	0
Senate	40	3

Effective: July 25, 1993

## HB 1773

C 193 L 93

Adding certain miniature models to boiler regulation exemptions.

By Representatives Pruitt and R. Meyers.

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

**Background:** State law requires that boilers conform to the rules formulated by the Board of Boiler Rules of the Department of Labor and Industries. The board has authority to grant special installation and operating permits for boilers of special design or construction and for antique boilers. However, the board has no authority to grant special permits for miniature boilers. Miniature boilers cannot comply with existing code requirements because of their reduced size. These miniature boilers are used by hobbyists in model locomotives and launches and for other non-commercial purposes.

**Summary:** The Board of Boiler Rules of the Department of Labor and Industries may grant special installation and operating permits for miniature boilers manufactured before January 1, 1995, that do not comply with code requirements. To receive the special permit, a miniature boiler may not exceed any of four enumerated limits and may not be operated for commercial use. On inspection, the department must find that operation of the boiler is not unsafe.

### Votes on Final Passage:

House	97	0
Senate	44	0

Effective: July 25, 1993

## SHB 1778

C 194 L 93

Establishing the office of state employee child care.

By House Committee on Human Services (originally sponsored by Representatives Wolfe, Brown, Talcott, Leonard, Johanson, Kessler, Appelwick, Romero, Pruitt, H. Myers, Edmondson, Linville, Veloria, Anderson, Reams, Rust, Miller, Wang and J. Kohl).

**Background:** In 1985, legislation was enacted allowing state owned and leased buildings to be used to provide child care for state employees. Initially, a self-supporting child care demonstration project was funded. Subsequently, in 1990, \$600,000 was appropriated as part of the capital budget. That program was again funded on a wider basis in the 1991-93 Biennium, with grants and services being provided on a statewide basis. Some problems have arisen in the provision of these services because of the original laws' limitation to a demonstration program.

**Summary:** A state agency may identify space it wishes to use for employee child care or it may request the Department of General Administration to do so. Language that confines state employee child care services to a demonstration program in the Olympia area is deleted.

Partnerships between agencies, employees, labor organizations and private employers in an effort to increase the availability of available, quality child care will be promoted. The responsibility for developing related policies is assigned to the director of the Department of Personnel, in consultation with the Child Care Coordinating Committee.

The membership of the Child Care Coordinating Committee is increased to a maximum of 33 members, including representatives from the Department of Personnel and the Department of Health.

**Votes on Final Passage:**

House 73 25  
Senate 30 14

**Effective:** July 25, 1993

**SHB 1784**

C 386 L 93

Allowing retired and disabled school employees to purchase health care insurance from the state health care authority.

By House Committee on Appropriations (originally sponsored by Representatives Locke, Sommers, Dellwo, Wang, Brough, Jacobsen, Karahalios, Peery, Talcott, Dom, Cothorn, Ogden, Holm, Pruitt, Jones, Romero, Campbell, Valle, Thibaudeau, King, Ballard, Basich, Quall, Veloria, Linville, Rayburn, Kessler, Orr, Carlson, Johanson, L. Johnson, Leonard, J. Kohl, Lemmon, H. Myers, Hansen, Patterson and Shin).

House Committee on Appropriations  
Senate Committee on Health & Human Services  
Senate Committee on Ways & Means

**Background:**

**STATE EMPLOYEES/STATE RETIREES**

State employees may continue health insurance coverage from the State Employees' Benefits Board and the Health Care Authority (HCA) when they retire. The premium rates retirees pay for this insurance are indirectly subsidized because state law requires that the cost of retiree premiums be developed from an experience pool that includes active employees.

The subsidy is funded by the Legislature when money is appropriated for insurance for active state employees. The latest data available shows that in fiscal year 1992, \$13.72 of the \$289.95 per month premium appropriated for active employees actually went to help retirees - 4.7 percent of the total.

**SCHOOL DISTRICT EMPLOYEES/SCHOOL DISTRICT RETIREES**

The Legislature appropriates the same premium for school district employees as it does for state employees. However, the appropriation is for allocation purposes only. School district contributions for employee insurance are collectively bargained at the local level. Some insurance plans for school employees offer a subsidy for retirees, others do not.

School districts may purchase employee insurance from the HCA if all employees in the district join the HCA plan. If a school employee who is covered by the HCA plan retires, that retiree receives an indirect subsidy for insurance just as a state retiree would.

**FEDERAL COBRA LAW/STATE COBRA EXTENSION**

Federal law, under the Consolidated Omnibus Budget Reconciliation Act (COBRA), requires that employees who retire be allowed to purchase group health insurance from their employer for a period of 18 months, at a rate no more than 2 percent higher than active employees would pay. COBRA does not apply to retirees eligible for Medicare.

In 1991, the Legislature extended COBRA coverage for certain school district retirees for an additional 12 months beyond the federally-mandated 18 months. In 1992, the extension was amended to end June 30, 1994.

**HEALTH CARE AUTHORITY STUDY**

The HCA was directed to study the issue of insurance coverage for school district retirees, and make recommendations to the Legislature by January 15, 1993. The study recommended establishing a direct subsidy for school district retirees, based on a set percentage the premium appropriated for active employees. School district retirees could receive the subsidy by purchasing insurance offered by the HCA, with plans for retirees under 65 and Medicare supplement plans for those over 65.

**Summary:**

**STATE COBRA EXTENSION**

Extended insurance coverage under the terms of the federal Consolidated Omnibus Budget Reconciliation Act that is provided under state law to certain school district retirees is terminated on September 30, 1993, rather than June 30, 1994.

**INSURANCE FOR SCHOOL DISTRICT RETIREES**

The State Employees' Benefits Board is authorized to develop and offer health care benefit plans for retired or disabled school district employees and their dependents. Medicare supplement plans are to be made available for retirees eligible for Medicare coverage. The Health Care Authority is authorized to administer the plans.

A representative of retired or disabled school employees is added to the State Employees' Benefits Board, along with an additional management member, bringing the total membership to nine. However, if a health care reform bill is enacted that also changes membership on the board, the change proposed in this act will not take effect.



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Retirees and their dependents may purchase the plans after October 1, 1993. Any former school district employee receiving a pension from a state retirement system as of September 30, 1993, qualifies as an eligible retiree. However, for employees who retire after October 1, 1993, the retiree must either be eligible to receive a state pension immediately after separating from active service to qualify as an eligible retiree, or if retiring under disability, be eligible for a deferred pension.

Retirees must pay the cost of the insurance coverage offered by the HCA, including any amounts necessary for reserves and administration, but their premiums will be reduced by a direct subsidy.

### SUBSIDY FOR SCHOOL DISTRICT RETIREES

The retired school employees' subsidy account is created, to be used to reduce the insurance premiums charged by the HCA to retired or disabled school employees. The amount of the premium reduction is established by the State Employees' Benefits Board, but it cannot be more than 50 percent. Premium reductions for dependents are at the discretion of the board.

Through September 30, 1994, moneys in the subsidy account are also to be used to reduce premiums charged to non-Medicare eligible retirees covered under a group-purchased insurance plan offered through a district. The HCA will send the subsidy to the insurance carrier covering the retiree upon receipt of satisfactory information that the retiree is eligible for the subsidy and actually benefits from it. However, if health insurance for active school employees is required to be provided solely through the HCA on or before October 1, 1993, then the provision dealing with a subsidy for retirees on a group-purchased insurance plan has no effect.

These subsidies are not a matter of contractual right.

### SOURCE OF FUNDING FOR SUBSIDY ACCOUNT

From October 1, 1993 to September 30, 1994, school districts and educational service districts will remit to the HCA, for deposit in the retired school employees' subsidy account, \$10 for each full-time employee for each month of the school year.

For each part-time employee who earns state retirement system credit and who qualifies under district collective bargaining for district contributions toward insurance benefits, the district will remit \$10 for each month of the school year, prorated by the proportion of district insurance contributions that the part-time employee receives.

After October 1, 1994, the amount of the remittance will be 4.7 percent of the active employee premium allocation appropriated by the Legislature for a full-time employee, and 4.7 percent of the active premium allocation, prorated, for each part-time employee who earns retirement credit and receives district contributions toward insurance benefits.

The Legislature reserves the right to increase or decrease these percentages or amounts required to be remitted.

### OTHER

If a school district wishes to purchase HCA insurance for its active employees, the school district employees may transfer to the HCA by bargaining unit, rather than the requirement that all district employees transfer. A school district is no longer required to make employer contributions equal to those made by the state toward insurance for transferring employees, thereby allowing pro-rated coverage of part-time employees.

Retired school employees who were covered under HCA plans as active employees can purchase HCA insurance the same as other retired school employees, and qualify for the same direct subsidy. These retirees are therefore excluded from the pool of active and retired state employees that currently determines premium rates for retired state employees. School districts that purchase HCA insurance for active employees will be charged a premium rate that reflects that the district is already paying a direct subsidy for its retirees, so as not to be charged for the indirect subsidy based on the pool.

### Votes on Final Passage:

House	98	0	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** May 15, 1993

October 1, 1993 (Sections 3, 7 and 11)

## ESHB 1785

### PARTIAL VETO

C 516 L 93

Creating jobs to restore and enhance Washington's estuaries, waterways, forests, and watersheds.

By House Committee on Environmental Affairs (originally sponsored by Representatives Locke, J. Kohl, Rust, Jacobsen, Wineberry, Shin, Dunshee, Holm, Pruitt, Jones, Finkbeiner, King, Basich, Quall, Orr, Johanson, Leonard and Anderson).

House Committee on Environmental Affairs  
House Committee on Appropriations  
Senate Committee on Trade, Technology & Economic Development

**Background:** State and local governments are required to develop several types of water-related plans. Examples include: The Puget Sound Water Quality Management Plan, shoreline management plans, stormwater plans, drinking water plans, flood plans, and watershed action plans. These plans often identify actions necessary to improve existing problems. Financing for these actions is often difficult to obtain.

Natural resource based industries are, and have historically been, an important part of the state's economy. These industries are in relative decline as compared to other sec-

tors of the state's economy, such as aerospace and agriculture.

Water quality and habit degradation are negatively affecting many natural resource based industries.

There are efforts at the state and national level to find creative ways to finance ready-to-go projects that create jobs and improve water quality and habitats.

**Summary:** The environment and forest restoration account is established in the state treasury. Money in the account is subject to legislative appropriation. State and local agencies, tribes, and private non-profit organizations are eligible for grants and loans from the account. For fiscal years 1994 through 1998, 50 percent of the funds must be awarded to rural communities to employ displaced timber workers. After 1998, 50 percent of the funds must be awarded to counties with unemployment rates greater than the state average. At least 10 percent of annual revenues are to be used for the Washington Conservation Corps. At least 5 percent of the funds must be awarded to non-profit organizations. No more than 3 percent can be used for administration. The account may not be used to hire permanent state employees except for essential administration and supervisory positions.

An environmental enhancement and job creation task force is created within the Office of the Governor. The eight member task force consists of state agencies responsible for natural resource management or economic development. The task force has four principal duties: (1) to assist state and local agencies in implementing effective restoration projects; (2) to evaluate unemployment profile data; (3) to make recommendations to streamline grant administration for restoration programs; and (4) to make funding decisions on environmental and forest restoration projects. Projects funded must meet specified criteria. The task force is directed to avoid funding projects that include rule-making, planning, or public education activities.

Funding for fiscal year 1994 projects is to be provided through the operating and capital budgets. Legislative priorities for 1994 are specified. The governor is directed to consider using unanticipated federal funds for environmental restoration and job creation.

A process is established to make it easier for workers who have completed a job funded under this law to qualify for unemployment insurance benefits. Workers who are successfully participating in a environmental restoration training program under this law are eligible for unemployment insurance benefits while in training.

The expiration date for the Washington Conservation Corps Program is extended from July 1, 1995 to June 30, 1999 and is made subject to sunset review.

The Legislative Budget Committee is required to evaluate the implementation of this act by June 30, 1998.

#### Votes on Final Passage:

House	85	13	
Senate	39	6	(Senate amended)
House			(House refused to concur)

#### Conference Committee

Senate	47	0
House	81	17

Effective: July 1, 1993

**Partial Veto Summary:** The provision directing funding for fiscal year 1994 to be included in the biennial budget is vetoed. Also vetoed is a provision directing the governor to consider using unanticipated federal receipts to fund forest and environmental restoration projects.

#### VETO MESSAGE ON ESHB 1785

May 18, 1993

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 6 and 7, Engrassed Substitute House Bill No. 1785 entitled:

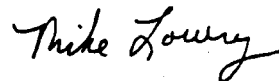
"AN ACT Relating to investing in the creation of jobs to restore and enhance Washington's estuaries, waterways, forests and watersheds."

This bill establishes an innovative program to create new jobs in the area of environmental restoration. The focus will be on performing such restoration work on a watershed basis with at least one half of the effort going into Washington's timber-dependent communities. For the coming biennium, \$6.5 million is available in the budget to implement environmental and forestry restoration projects such as those envisioned by Engrassed Substitute House Bill No. 1785.

I am vetoing section 6 regarding first year project funding because there are no projects in the operating or capital budgets to be funded as referenced by this section. In regard to the section 7 provisions on unanticipated federal funds, RCW 43.79.270 states that agencies can submit an unanticipated receipt only if it is designated for a specific purpose. Therefore, the Governor will not be able to transfer, as section 7 would require, any federal funds into this account because they will be designated for a specific purpose. For this reason, I am vetoing section 7.

With the exception of sections 6 and 7, Engrassed Substitute House Bill No. 1785 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

SHB 1787

C 98 L 93

Eliminating certain provisions about water resource inventory and planning areas.

By House Committee on Natural Resources & Parks  
(originally sponsored by Representatives Linville,

R. Johnson, Pruitt, Kremen, Rust, Foreman, Quall, Morton, Grant, Johanson, Mastin, Eide and Fuhrman).

House Committee on Natural Resources & Parks  
Senate Committee on Energy & Utilities

**Background:** In the western United States, including Washington, water law is based primarily on the doctrine of prior appropriation. Under this doctrine, a person who is "first in time" to put water to a beneficial use is "first in right" to the water used. The user retains this right to the water so long as he or she continues to put the water to beneficial use. However, if the user voluntarily, or without sufficient cause, fails to use all or part of the water for a given period of time, the user relinquishes his or her water right. That water then becomes available for appropriation to others. This "use it or lose it" aspect of the doctrine of prior appropriation creates a disincentive for users to conserve water.

In 1991, the Legislature authorized an experimental program to promote water conservation and greater water use efficiency. The Legislature authorized the state, through the Department of Ecology, to enter into voluntary contracts with water rights holders. Under this program, the state may assist in the financing of water conservation projects in exchange for a portion of the net water savings resulting from the projects. The state acquires a trust water right to this saved water, with the right retaining its original priority date. The state may then allocate this water to a variety of in-stream or off-stream uses. The Department of Ecology must make sure that other water right holders are not adversely affected by state acquisition of a trust water right. Transfers of net water savings may be permanent or temporary. The department may also accept gifts of water rights.

Under current law, implementation of the trust water rights program is restricted to designated areas. These areas are the two pilot program areas identified as part of the Chelan agreement process: the Methow basin and the Dungeness-Quilcene basins. In addition, the program could be applied in up to eight water resource inventory areas with critical water supply problems. A separate trust water rights program is in place in the Yakima River basin. In all other areas of the state, a water rights holder who conserves water runs the risk of losing it because of the prior appropriation doctrine.

**Summary:** Provisions restricting the trust water rights program to the Methow and Dungeness-Quilcene basins and to designated water resource inventory areas are removed from statute. The trust water rights program thus applies statewide.

**Votes on Final Passage:**

House 98 0  
Senate 48 0

**Effective:** July 25, 1993

Authorizing public works board project loans.

By Representatives Patterson, Ballard, Wood, Ogden, Pruitt, Jones, King, Jacobsen, Basich, Wang, Kremen, Rayburn, Sehlin, Schoesler, Karahalios, Lemmon, H. Myers, Reams, Schmidt, Cooke and Stevens; by request of Department of Community Development.

House Committee on Capital Budget  
Senate Committee on Ways & Means

**Background:** The public works trust fund was created by the Legislature in 1985 as a revolving loan fund program to assist local governments and special districts with infrastructure development. The Public Works Board, within the Department of Community Development, is authorized to make low-interest or interest-free loans to finance the repair, replacement or improvement of essential public works systems: bridges, roads, water systems, and sanitary and storm sewer projects. Growth-related public works projects, port districts, and school districts are not eligible to receive funding through the Public works trust fund.

Each year, the Public Works 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. The public works trust fund receives its funding from dedicated revenue from utility and sales taxes on water, sewer, and garbage collection and from a portion of the real estate excise tax.

**Summary:** As recommended by the Public Works Board for fiscal year 1993, the following are authorized: loans for 61 public works projects totaling \$51,059,758; a \$300,000 fund for capital facilities planning loans and a \$1 million loan pool for emergency public works projects.

The public works projects authorized for funding are broken into the following categories: (1) 29 water projects for a total of \$23,927,340; (2) 18 sanitary or storm sewer projects for a total of \$18,963,093; (3) six road projects for a total of \$6,359,324; (4) one bridge project for a total of \$1.6 million; and (5) seven planning projects for a total of \$210,000.

**Votes on Final Passage:**

House 98 0  
Senate 39 0

**Effective:** April 9, 1993

**HB 1800**  
C 195 L 93

Funding the office of minority and women's business enterprises.

By Representatives Ogden, Romero, Wang, Veloria, Anderson, Wineberry, Rayburn, R. Meyers, King and J. Kohl; by request of Office of Minority and Women's Business Enterprises.

House Committee on Trade, Economic Development & Housing

House Committee on Appropriations

**Background:** Minority business enterprises (MBEs) and women's business enterprises (WBEs) benefit generally from statewide economic development programs.

Washington State's Office of Minority and Women's Business Enterprise (OMWBE) was created in 1983 to increase opportunities for minorities and women to obtain state contracts. OMWBE's major duties are: (1) to set annual MBE and WBE participation goals in fulfilling state contracts; (2) to certify businesses as eligible for MBE or WBE status; (3) to provide a certification list for state agencies and others seeking to solicit bids from MBEs or WBEs; and (4) to monitor agencies and perform investigations to identify barriers to equal participation and to expose discriminatory business practices.

**Summary:** The Washington State Office of Minority and Women's Business Enterprise is authorized to charge a reasonable fee for using the services of the OMWBE. The fees may be charged: (1) to a business for using the OMWBE services; (2) to a political subdivision for certifying a business; and (3) to a state agency and educational institution, based on the amount of funds set aside for contracts with MBEs and WBEs.

The Minority and Women's Business Enterprise account is created in the Office of the State Treasurer. The fees collected for services provided by OMWBE are to be deposited into the account and used to cover all or part of the costs of the office.

**Votes on Final Passage:**

House	96	0
Senate	30	12

**Effective:** July 25, 1993

**SHB 1801**  
C 323 L 93

Granting temporary licenses to dental hygienists licensed in another state.

By House Committee on Health Care (originally sponsored by Representatives Morris, Flemming, Dellwo, Dyer, Zellinsky, Dorn, Valle, Rayburn, Ludwig, Bray, Pruitt and Long).

House Committee on Health Care  
Senate Committee on Health & Human Services

**Background:** Under the "licensure by endorsement" law, an applicant for licensure as a dental hygienist in this state, holding a license and currently engaged in practice in another state, may be granted a license without examination if the secretary determines that the other state's licensing standards are substantively equivalent to the standards in this state.

In the field of dental hygiene, the licensing standards of other states are not substantively equivalent to those of this state because of the more expansive scope of practice authorized for dental hygienists here. Therefore it is unlikely that dental hygienists licensed in other states would qualify for licensure by endorsement here. The purpose of the law is to facilitate the interstate mobility of qualified health practitioners who desire to practice in this state, thereby improving access of the public to those services.

**Summary:** A statement of legislative intent declares that granting temporary licenses to dental hygienists licensed in other states is not intended to be a solution to the shortage of dental hygienists in this state. The long-term shortage must be addressed by expanding training programs in this state.

A dental hygienist holding a license to practice from another state and engaged in active practice, shall upon application be given a temporary license to practice in this state without examination. The duration of this license is 18 months and is not renewable. Active practice constitutes a minimum of 560 hours of practice within a 24-month period preceding the application.

The applicant is required to document licensure in another state and graduation from an accredited school approved by the secretary, provide information relative to possible unprofessional conduct, demonstrate a knowledge of the dental hygiene practice law, pay required fees, and meet requirements for asepsis and AIDS education.

The scope of practice for dental hygienists holding temporary licenses is limited to specified basic dental hygiene services. A license holder must obtain special endorsement to perform injections of local anesthetics and place, carve or adjust restorations for fitting. A temporary license holder may not do soft-tissue curettage or administer nitrous oxide/oxygen analgesia.

Applicants not meeting state licensing standards in restorative or local anesthetic must demonstrate completion of approved education in these procedures before being eligible to take the dental hygiene examination.

The authority to grant temporary licenses terminates on January 1, 1998. The Department of Health must report to the Legislature by December 1, 1996 on the need to continue this authority, and identify alternatives to meeting the dental hygiene shortage.

The secretary of the Department of Health, in consultation with the dental hygiene examining committee, is authorized to develop rules to administer this act.

## SHB 1802

As part of the statewide Health Personnel Plan, the State Board for Community and Technical Colleges must identify health professional training needs not currently met by the community and technical college system, and recommend programs for meeting shortages. A description of these college programs shall appear in their biennial budgets and institutional plans.

### Votes on Final Passage:

House	98	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 1993

## SHB 1802

C 259 L 93

Modifying marriage and family therapist certification.

By House Committee on Health Care (originally sponsored by Representatives Veloria, Dellwo, Ballasiotes, Romero, Flemming, Lisk and Thibaudeau).

House Committee on Health Care  
Senate Committee on Health & Human Services

**Background:** Marriage and family therapists are counselors who are certified for practice by the Department of Health. The requirements for certification include:

- (1) a minimum of a master's degree in marriage and family therapy or its equivalent from a school approved by the secretary of the Department of Health that offers coursework in specified subjects;
- (2) two years of postgraduate practice under the supervision of a qualified therapist; and
- (3) passing scores on both written and oral examinations.

The practice of marriage and family therapy is described as an assessment and treatment of impaired marriage or family relationships by the use of educational, sociological, and psychotherapeutic techniques.

**Summary:** Qualifications for licensure include:

- (1) a master's or doctoral degree in marriage and family therapy, or in the alternative a master's or doctoral degree in the behavioral sciences and program equivalency based on nationally recognized professional standards;
- (2) after receiving a master's or doctoral degree in marriage and family therapy, two years of postgraduate practice under supervision is required. Or in the alternative, after receiving a master's or doctoral degree in the behavioral sciences, two years of postgraduate practice in marriage and family therapy is required under the supervision of a qualified marriage and family therapist which can be accumulated concurrently with the program equivalency training; and
- (3) a written examination that includes knowledge of Washington's statutes, including the Uniform Disciplinary Act, as approved by the department.

The specification of subjects covered by the master's and doctoral degrees and the requirement for an oral examination are repealed.

The description of the practice of marriage and family therapy is clarified to include services to individuals directly or through public and private organizations for a fee or otherwise. It includes the diagnosis and treatment of mental and emotional disorders within the context of the family.

### Votes on Final Passage:

House	98	0	
Senate	39	3	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 1993

## ESHB 1806

C 387 L 93

Changing regulation and licensure of well contractors and operators.

By House Committee on Environmental Affairs (originally sponsored by Representatives Bray, Horn and Rust).

House Committee on Environmental Affairs  
House Committee on Revenue  
Senate Committee on Ecology & Parks  
Senate Committee on Ways & Means

**Background:** Washington laws currently regulate the construction of water wells by providing for construction standards and requiring licensing of those who construct the wells. In the last several years, wells used for monitoring of pollution and testing of ground water have become an increasing part of the well construction industry. The existing statutes do not recognize the differences in construction standards for or licensing of those who construct these types of wells.

Water well contractors and operators are required to obtain a license from the Department of Ecology. An applicant for a license must pass an examination, have two years experience, or one year of experience and one year of schooling, and pay an application fee of \$25. Licenses are renewed yearly upon payment of a \$10 fee.

Water wells may only be constructed by a licensed water well contractor or operator. An individual may construct a well on his or her own property without a license.

At least 72 hours prior to beginning construction on a water well, the well contractor or operator must notify the department of the construction. Within 30 days after a well is completed, the well contractor or operator must submit a report to the department on the well construction. There is no fee required for constructing a well.

The department may issue orders requiring a well contractor, operator, or owner to repair a well that has been constructed improperly or is defective. The department may also issue orders directing compliance with well con-



struction standards or other rules adopted by the department. A person may appeal a department order to the Pollution Control Hearings Board.

A person who violates the provisions of the water well statute or the department's rules may be subject to a civil penalty of up to \$100 a day. The penalty may be appealed to the Pollution Control Hearings Board.

All fees and penalties received by the department are deposited in the general fund.

**Summary:** The Water Well Construction Program administered by the Department of Ecology is expanded to include monitoring and other resource protection wells. The department shall issue two different types of licenses: one for individuals who construct water wells and one for individuals who construct resource protection wells. The department shall also issue a training license for each type of operator's license. The department, in consultation with a technical advisory group, shall establish standards for licensing which must include minimum education and experience requirements. Applicants for a new license may also be required to take an on-site examination.

The licensing fee for an operator's license shall be established by the department based on the costs of operating the licensing program. A license is valid for two years. In order to renew a license, the operator must complete approved education courses. The licensing fee and the education requirement shall be established by the department in consultation with the technical advisory group.

The requirement that wells be constructed according to the department's construction standards is clarified. All individuals, not just licensed contractors and operators, must comply with the standards.

The department may adopt rules to require a well owner to avoid waste and contamination of the ground water, to establish a well tagging program, and to require a well owner to repair or decommission abandoned or damaged wells or wells that pose a risk to the public health.

Seventy-two hours prior to beginning construction, the owner of the property on which a well will be constructed or the owner's agent shall notify the department of the intent to construct a well. The notice must be accompanied by well construction fees. The fee for a water well less than 12 inches in diameter is \$100. The fee for a water well 12 inches or greater in diameter is \$200. The fee for each resource protection, observation, or monitoring well, or 200 feet of dewatering well system is \$40. The department may establish a procedure for payment of fees for resource protection wells after well construction has been completed and the number of wells actually constructed is known.

Fees shall be deposited in the reclamation account in the state treasury. The fees may only be used for the well construction and licensing program. The department may provide grants to local governments who have been delegated responsibility to enforce portions of the well construction program.

For wells on which construction is substantially completed on or after July 1, 1993, the department may order a well contractor to repair a well that does not meet the standards for well construction for up to three years after construction has been completed. For wells on which construction is substantially completed prior to July 1, 1993, the department has up to six years to order that the well be repaired.

The penalties that may be imposed by the department for violations are increased from the current \$100 a day maximum. Three classes of violations are established:

- (1) Minor violations do not seriously threaten public health or the environment. They include failing to submit notification cards and well reports within the time required. The penalty for a minor violation is a fine of between \$100 and \$500. A person who has committed a minor violation must be given an opportunity to correct the violation before a penalty is imposed.
- (2) Serious violations pose a serious threat to public health or the environment. They include improper construction, intentional improper siting, drilling with an expired or suspended license, and construction without a permit. A serious violation is subject to a penalty of between \$500 and \$5,000.
- (3) A major violation is construction of a well without a license or after a license has been revoked and is subject to a penalty of between \$5,000 and \$10,000. Penalties may be appealed to the Pollution Control Hearings Board.

All receipts from penalties are to be spent only for restoration and enhancement of ground water resources.

The exemption from licensing for a person to construct a well on his or her own property is limited to wells for single-family residences. A person may construct only one well every two years under the exemption.

A technical advisory group is established to advise the department on well construction standards, licensing requirements and fees, and other aspects of the well construction and licensing program. The group is composed of representatives from well contractors, health departments, and professional engineers. The group shall meet at least twice each year.

**Votes on Final Passage:**

House	78	19	
Senate	26	14	(Senate amended)
House	77	20	(House concurred)

**Effective:** July 1, 1993

**SHB 1808**  
**PARTIAL VETO**  
C 503 L 93

Creating the council on international trade.

By House Committee on Trade, Economic Development & Housing (originally sponsored by Representatives Shin, Mastin, Forner, Wineberry, Rayburn, Jones, Cothem, J. Kohl, Wang, Van Luven, Chandler and Linville).

House Committee on Trade, Economic Development & Housing  
Senate Committee on Trade, Technology & Economic Development

**Background:** Washington State has several programs to promote international trade and exporting by small businesses.

The Department of Agriculture and the Department of Trade and Economic Development (DTED) are engaged in market development activities that include research and market identification programs. The DTED programs also target key overseas markets and industries.

The Small Business Export Finance Assistance Center (EAC) is a nonprofit corporation created to provide export counseling. The EAC guides potential exporters through the procedures and documentation that exporting requires. The EAC operates the Pacific Northwest Export Assistance Project, which provides extensive technical assistance to a small number of businesses with export potential.

The International Marketing Program for Agricultural Commodities and Trade (IMPACT), at Washington State University, and the Center for International Trade in Forest Products (CINTRAFOR), at the University of Washington, conduct research and provide information about current and potential markets for Washington's agricultural and forest products.

There is no state entity that coordinates the several public programs promoting international trade, or that facilitates a state trade strategy.

**Summary:** The Council on International Trade is established. There are 15 members on the council: (1) two members representing trade organizations; (2) two members representing the ports; (3) two representatives of businesses active in exporting goods; (3) three members of the Executive-Legislative Committee on Economic Development; (4) two experts in foreign marketing; (5) two experts in export financing; and (6) the directors of the Department of Trade and Economic Development and the Department of Agriculture. Non-legislative members are appointed by the governor.

The council's duties include: (1) advising the Executive Legislative Committee on Economic Development on policies to enhance Washington exports; (2) reviewing current export programs and advising the executive legislative committee regarding markets with potential that currently are not being emphasized by state programs; (3) helping coordinate public export programs statewide; (4) identify-

ing, for the Executive Legislative Committee on Economic Development, current and long-term trade issues that need to be addressed; (5) recommending methods to increase the awareness of the importance of trade to Washington State; and (6) studying the impact of the North American Free Trade Agreement and the Uruguay General Agreement on Tariffs and Trade (GATT) negotiations.

The council must make a preliminary report to the governor and the Legislature by June 1, 1994, and a final report by December 1, 1994. The council expires on June 30, 1995.

**Votes on Final Passage:**

House	92	0	
Senate	39	5	(Senate amended) (House refused to concur)
Senate	40	0	(Senate amended)
House	94	0	(House concurred)

**Effective:** July 25, 1993

**Partial Veto Summary:** The provision requiring the council to report to the governor and Legislature through the Executive/Legislative Committee on Economic Development is removed. The Executive/Legislative Committee on Economic Development was created by SB 5300, which was vetoed by the governor.

**VETO MESSAGE ON SHB 1808**

*May 18, 1993*

*To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen:*

*I am returning herewith, without my approval as to section 4,  
Substitute House Bill No. 1808 entitled:*

*"AN ACT Relating to international trade;"*

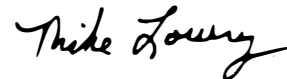
*I am a strong believer in the importance of international trade for the future of the state economy. Washington State is open to the world, and trade is a critically important part of our economy. I believe that collaboration between the state and the private sector on improving our trade activities and our international efforts will give us better results.*

*Because trade is so important for the state, I am signing this legislation despite my concern for its impact on affected state agencies. The coming year will be a challenging and difficult one for state economic development work. The upcoming merger of the departments of Trade and Economic Development and Community Development, and the budget reductions in the Department of Trade and Economic Development will create some real problems.*

*I am vetoing section 4 of this bill, that directs the new Council to report to the Executive-Legislative Committee on Economic Development which would be established in Senate Bill No. 5300. Because I am vetoing that legislation, the reporting requirement contained in section 4 could not be implemented. Instead, I am directing the Council on International Trade established in this bill to make its reports to the legislature and to the Governor.*

*With the exception of section 4, Substitute House Bill No. 1808 is approved.*

*Respectfully Submitted,*



*Mike Lowry  
Governor*

**HB 1809**

C 460 L 93

Permitting the pooling of department of natural resources trust management accounts.

By Representatives Locke and Wang.

House Committee on Appropriations  
Senate Committee on Natural Resources

**Background:** The Department of Natural Resources manages approximately 2.1 million acres of lands known as enabling act trustlands. The department is required by both state constitution and statute to manage these lands for designated public beneficiaries. Revenues are generated from timber sales, leases, sale of materials, and interest income, and redirected back to the specific trust beneficiary in the capital budget.

The department receives a portion of trust revenues to pay the costs of managing the trust. Up to 25 percent of the revenues from these lands are deposited into the Resource Management Cost Account (RMCA). The department is required to account for management funds from each specific trust. For example, the revenues deposited into the RMCA from the common school trustlands must be expended in support of managing the same common school trustlands.

Trustland categories include the common schools, the University of Washington, Washington State University, the regional universities, the capitol buildings and grounds, and charitable, educational, penal and reform institutions.

**Summary:** The department is given additional flexibility for managing and expending trust management revenues. Revenues deposited into the account are pooled, and lose their separate trust identity. The department is no longer required to account for and expend revenue in the RMCA by each separate trust category.

**Votes on Final Passage:**

House	78	18	
Senate	45	0	(Senate amended)
House	69	28	(House concurred)

Effective: July 1, 1994

**HB 1815**

C 184 L 93

Recodifying vessel operation provisions.

Representatives Rust and Valle.

House Committee on Environmental Affairs  
Senate Committee on Ecology & Parks

**Background:** As part of the Oil Spill Prevention and Response Act of 1991, the Legislature made reckless operation of a tank vessel and operation of a tank vessel while under the influence of drugs or alcohol a crime. These

criminal provisions were codified as part of the Revised Code of Washington chapter governing pilotage. This chapter excludes from coverage certain vessels that are under enrollment or United States or Canadian vessels engaged in the coasting trade. This exemption creates a potential that a person operating a tank vessel which is exempt from the pilotage provisions might not be subject to the criminal penalties for reckless operation of a tank vessel or operation of a tank vessel while under the influence of drugs or alcohol.

**Summary:** The statutes establishing the crimes of reckless operation of a tank vessel and operation of a tank vessel while under the influence of drugs or alcohol are recodified as part of the oil spill prevention and response statutes, thus ensuring that persons operating tank vessels that are exempt from the state's pilotage laws will be subject to the same criminal penalties for violations of the law as other tank vessel operators.

**Votes on Final Passage:**

House	97	0
Senate	42	0

Effective: July 25, 1993

**SHB 1817**

PARTIAL VETO

C 504 L 93

Directing the department of corrections to review the offender health care system.

By House Committee on Corrections (originally sponsored by Representatives L. Johnson, Morris, Long, Edmondson, Valle, Rayburn, Karahalios, Riley, Springer, Campbell and Cothorn).

House Committee on Corrections  
House Committee on Appropriations  
Senate Committee on Law & Justice

**Background:** Because of unprecedented growth in the inmate population, Washington is engaged in one of the largest prison construction programs in the state's history. Forecasts indicate that the prison population will continue to increase to over 15,000 just after the turn of the century.

The costs associated with housing, feeding, clothing, and caring for offenders in the state corrections system is increasing commensurate with the growing prison population. The average costs are approximately \$26,000 per prisoner per year. One of the more significantly rising costs is inmate health care. Since 1986, the health care expenditures for inmates have doubled from \$10.97 million in 1986 to \$22.23 million in 1992. In 1992 alone, health care costs increased by 14 percent. These costs are expected to continue to rise as medical costs inflate, the prison population grows, and an increasing number of inmates become older and need additional health and long-term care.

## ESHB 1818

The Department of Corrections is required to provide and pay for health care for all inmates. These services include essential medical care, dental care, mental health treatment, prescription services, laboratory procedures, and radiological procedures. Health care services for inmates are provided in a variety of ways. Most health care services are provided on site by the department's health care staff. However, some services are provided on site by contracted health care providers, while services that cannot be conducted in the prison facility are provided outside in health care facilities in the community or where the appropriate level of care is available.

The Department of Corrections maintains data on offender health care provided in their facilities; however, a more comprehensive range of utilization and cost information is needed for adequate cost and quality of care analysis and future health care reform planning.

**Summary:** The Department of Corrections is required to review and submit a report on the scope, nature, and cost of its inmate health care system, beginning with 1988 health services quarterly reports. The analysis must use the quarterly reports to provide a summary of the amount of medical care being used and the cost of that care.

The report must also include descriptive information on the capabilities of the department's health care information system and, to the extent possible, recommendations and a working plan for developing a fully integrated health care information system using shared resources with other state agencies or hospitals.

The department is required to investigate a range of potential cost savings options that include: purchasing health services through preferred contract providers, consolidating purchase of high technology services, purchasing of equipment and supplies in bulk, using generic pharmaceuticals, using preventive health care measures, implementing utilization review, exploring federal program assistance, developing a preferred provider contract with the state's Community Health Care Clinic Consortium, billing the offender's spouse's health care insurance for the medical care provided to the incarcerated spouse, and reviewing chronically ill offenders and their impact on the system.

The department is also required to consult with the state Health Care Authority to establish plans for transitioning the department inmate health care system into the health care system reform measures as they are implemented.

By September 1, 1993, the Department of Corrections must submit an initial report to the Department of Health, Department of Social and Health Services, and the Health Care Authority for review and written comments on departmental coordination on suggestions for additional savings. The final report must be submitted to the Legislature by December 12, 1993.

### Votes on Final Passage:

House 98 0  
Senate 42 2

Effective: May 18, 1993

**Partial Veto Summary:** The requirement for the Department of Corrections to conduct a comprehensive review and analysis of its health care services and related expenditures is eliminated. The department is directed to conduct a more restricted review of inmate health care services that can be accomplished within the department's 1993-95 budget.

### VETO MESSAGE ON SHB 1817

May 18, 1993

To the Honorable Speaker and Members,

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 1817, entitled:

"AN ACT Relating to the department of corrections health care costs;"

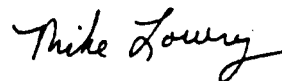
Section 2 of this bill directs the Department of Corrections to conduct a comprehensive review and analysis of its offender health care system. The department provides health care to roughly 10,400 clients in a large decentralized institutional system comprised of 16 separate facilities. A study of this depth would certainly produce valuable information, but without additional funding it will be impossible to meet the December 1993 deadline.

I fully expect the Department of Corrections to be an active participant in health care reform. Consistent with sections 1 and 3 of this act, and health care reform legislation, I am directing the Department of Corrections to review the inmate health care system and take steps to reduce health care expenditures. Additionally, the department will develop a plan to improve and make more cost effective the health care delivery system of our state prison system, and implement the provisions of health care reform.

For these reasons, I have vetoed section 2 of Substitute House Bill 1817.

With the exception of section 2, Substitute House Bill 1817 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

## ESHB 1818

C 421 L 93

Providing for military dependent communities.

By House Committee on Appropriations (originally sponsored by Representatives Karahalios, Sehlin, R. Meyers, Schmidt, Peery, Wood, Zellinsky, Edmondson, Stevens, Schoesler, Flemming, Mielke, Thomas, Foreman, Eide, Campbell, Pruitt, Holm and Talcott).

House Committee on Trade, Economic Development & Housing  
 House Committee on Appropriations  
 Senate Committee on Trade, Technology & Economic Development

ESHB 1820  
 C 335 L 93

**Background:** According to the state diversification plan done by the Community Diversification Program in the Department of Community Development, Washington ranks as the second most defense-dependent state in the nation. Washington has a complex defense infrastructure, primarily comprised of military installations, an aerospace industry with a significant defense component, and a large network of procurement contractors. Approximately 150,000 direct jobs are attributed to defense spending.

The state diversification plan concludes that projected base closures and procurement contract cancellations or reductions may have extreme economic impacts on communities, businesses, and workers.

**Summary:** The governor, by executive order after consultation with or notification of the Executive-Legislative Committee on Economic Development, may declare a community to be a "military impacted area." These are communities that the governor finds experience serious social and economic hardships because of a significant reduction in defense spending by the federal government.

If the governor declares a community or communities to be a military impacted area, the governor establishes a response team to coordinate state agencies' assistance to the community or communities. Local communities must actively participate in the response to the crisis. The response team may include representatives of the following agencies: (1) the Department of Community Development; (2) the Department of Trade and Economic Development; (3) the Department of Social and Health Services; (4) the Employment Security Department; (5) the State Board for Community and Technical Colleges; (6) the Higher Education Coordinating Board; (7) the Department of Transportation; and (8) the Washington Energy Office. The governor may establish local task forces to assist in the recovery process and delivery of state services.

The governor must report to the next session of the Legislature and the Executive-Legislative Committee on Economic Development after designating a military impact area. The report should include recommendations on whether the military impacted area should become eligible for infrastructure financing programs, training programs, or other services.

**Votes on Final Passage:**

House	98	0	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Senate	48	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 1993

Creating the school-to-work transitions program.

By House Committee on Education (originally sponsored by Representatives Dorn, Brough, Brumsickle, Heavey, Vance, Mastin, R. Meyers, Jones, Peery, Cothorn, Campbell, Orr, Holm, Carlson, Springer, Stevens, Jacobsen, Thomas, Pruitt, Foreman, Finkbeiner, Lemmon, Leonard, Rayburn, Riley, Patterson, Conway, King, Johanson, Roland, Tate, Karahalios, Mielke, Eide, Wolfe, Romero, Edmondson, Morris, Shin, G. Fisher, Horn, L. Johnson, Thibaudeau, Kremen, Basich, Miller, J. Kohl, H. Myers, Long, Cooke, Fuhman, Van Luven, Talcott, Forner, Ballasiotes, Hansen, Kessler, Silver and Wood).

House Committee on Education  
 House Committee on Appropriations  
 Senate Committee on Education

**Background:** The 1992 Legislature established the Academic and Vocational Development Grant Program. The purpose of the program is to fund projects in which academic and vocational subjects are integrated into a single instructional system. The intent is to make school more relevant and practical, and increase the ability of students to make the transition successfully to the world of work.

A total of \$98,000 was appropriated for the 1991-93 Biennium for the program. Thirty-five applications were submitted, with four projects being funded (Bethel, Camas, Central Valley, and Grand Coulee school districts).

**Summary:** The Academic and Vocational Development Grant Program is expanded and renamed the School-to-Work Transitions Program.

Three project goals are added:

- (1) Provide each student with a choice of multiple, flexible educational pathways based on the student's career or interest area;
- (2) Develop student essential learning requirements, methods of accurately measuring student performance, and goals for improved student learning; and
- (3) Develop partnerships with local businesses and employers to incorporate the work site as a learning experience.

In selecting projects, the Superintendent of Public Instruction (SPI) is directed to give additional consideration to proposals that include: (1) collaboration with middle schools or junior high schools; (2) a "tech prep" site; and (3) work-based learning opportunities.

SPI is permitted to develop a process for teacher certification programs to apply to participate in the School-to-Work Transitions Program. These grants would be used to improve teacher preparation in areas related to school-to-work transitions.



## EHB 1824

### Votes on Final Passage:

House 98 0  
Senate 44 0

Effective: May 12, 1993

## EHB 1824

C 461 L 93

Authorizing conversion of surplus public property to use for affordable housing.

By Representatives Wolfe, Wineberry, Fomer, Peery, Reams, Valle, Pruitt, Flemming, Leonard, Talcott, Anderson, J. Kohl, Thibaudeau, Jones, King, Quall, H. Myers, Cooke and Finkbeiner.

House Committee on Trade, Economic Development & Housing

Senate Committee on Labor & Commerce

**Background:** The ability to develop affordable housing for low-income persons is influenced by several factors. The cost of land is often cited as a major contributor to rising housing prices. Land costs include the costs of the raw land, any improvements on the land, and carrying costs of the land before construction.

Various techniques to lower the cost of housing have been reviewed by other states and local governments. One technique involves identifying all land suitable for construction of affordable housing.

In 1990, the Legislature directed the Department of Community Development to work on an inventory of state-owned land and buildings for possible lease as sites for affordable housing. The departments of Natural Resources, Transportation, and General Administration were to identify and catalog sites under their control and send a copy of the inventory to the Department of Community Development.

There is concern that local governments and school districts may have under-utilized land and buildings that may be suitable for the development of affordable housing. Presently, no central register of surplus or under-utilized land, buildings, or buildings and land is available on a state-wide basis.

**Summary:** The Department of Community Development's central register of publicly-owned property that is available for sale, lease, or exchange is expanded to include surplus and under-utilized land and buildings under the control of the Department of Social and Health Services and Department of Corrections.

All cities, towns, counties, and school districts are required to identify and catalog surplus and under-utilized land and buildings under their control that may be suitable as sites for affordable housing. The inventory must include the location, size, and zoning classification of the property. The initial inventory must be sent to the Department of

Community Development by November 1, 1993, with inventory revisions every November 1st.

The Department of Community Development may, upon written request, provide a copy of the inventory of state-owned and publicly-owned buildings and land to parties interested in developing the sites for affordable housing.

### Votes on Final Passage:

House 95 2  
Senate 30 15

Effective: July 25, 1993

## HB 1832

C 186 L 93

Regulating medical malpractice insurance.

By Representatives Dyer, R. Meyers, Mielke, Schmidt, R. Johnson, Zellinsky, Tate, Anderson, Reams, Dellwo, Foreman and Long.

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

**Background:** The Insurance Code requires an insurer to provide at least 20 days' notice prior to policy renewal of any change in premium required to renew the policy. In addition, rates must be filed for approval by the insurance commissioner prior to use. As a result, if a medical malpractice insurer experiences favorable loss experience after existing policies have been renewed, the insurer cannot lower the rate until the next policy renewal period.

**Summary:** A midterm blanket reduction in rate, approved by the insurance commissioner, for medical malpractice insurance is not to be considered a "renewal" for purposes of the renewal notice requirements of the Insurance Code.

### Votes on Final Passage:

House 98 0  
Senate 45 0

Effective: July 25, 1993

## SHB 1837

C 91 L 93

Regulating credit for reinsurance.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kessler, Mielke and Zellinsky; by request of Insurance Commissioner).

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

**Background:** Reinsurance is an insurance product purchased by an insurance company to pass some of the risk assumed by the insurance company on to the reinsurer.

Since an insurance company's exposure to financial loss is reduced by the purchase of reinsurance, the Insurance Code permits the insurance company to take a credit for the reinsurance as if it were an asset. However, such a credit is permitted only if the reinsurance meets certain statutory standards designed to ensure the financial quality of the reinsurance.

**Summary:** Insurance Code provisions governing the credit an insurance company may take on its balance sheet for reinsurance are updated. The exemption of ocean marine insurance from the reinsurance provisions is repealed.

**Votes on Final Passage:**

House 96 0  
Senate 49 0

**Effective:** July 25, 1993

**HB 1838**

C 388 L 93

Requiring minimum standards for benefits in medicare supplement insurance.

By Representatives R. Johnson, Mielke, R. Meyers, Rayburn, King, Kremen and Holm; by request of Insurance Commissioner.

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

**Background:** Last year, the Legislature amended the medicare supplemental health insurance statute to conform to changes required by the federal Omnibus Budget Reconciliation Act of 1990 (OBRA). The state amendments contained provisions regulating medicare supplemental health insurance. OBRA required states to adopt regulations conforming to federal requirements or risk federal regulation of medicare supplement policies within their jurisdictions. The secretary of Health and Human Services conditionally certified Washington's medicare supplemental health insurance regulations as meeting federal standards. The certification was conditioned on the state's adoption of a change to state law that would remove a provision that ties required consumer disclosures to the consumer's age.

**Summary:** The state medicare supplemental health insurance regulatory statute is amended to repeal a provision that ties required consumer disclosures to the consumer's age.

**Votes on Final Passage:**

House 97 0  
Senate 47 0

**Effective:** July 25, 1993

**SHB 1839**

C 92 L 93

Investing by domestic insurers.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives R. Johnson, Mielke, R. Meyers, Jones and Wang; by request of Insurance Commissioner).

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

**Background:** The Washington State Insurance Code governs the investments of insurance companies formed within this state (domestic insurers). Regulation of insurance company investment practices is intended to protect the solvency and liquidity of insurers. An examination of the recent failures of several large life insurance companies revealed heavy losses related to investments in junk bonds by these companies and led the National Association of Insurance Commissioners to recommend that each state adopt legislation restricting insurer investments in "low grade" corporate obligations - "junk bonds."

**Summary:** Domestic insurer investment in medium and lower grade obligations (e.g., bonds), as rated by the National Association of Insurance Commissioners' securities valuation office, may not exceed 20 percent of the insurer's assets. Of this 20 percent limit, no more than 10 percent may be invested in lower grade obligations. Of this 10 percent limit in lower grade obligations, no more than 3 percent of an insurer's assets may be invested in the lower grade obligations rated five or six and no more than 1 percent may be invested in obligations rated six (the worst rating).

In addition to the investment limits related to the grade of an obligation, no insurer may invest more than 1 percent of its assets in the medium and lower grade obligation of any one institution and no more than one-half of 1 percent in the lower grade obligations of any one institution.

Insurer investments lawfully acquired before the effective date of the act are grandfathered.

The board of directors of any domestic insurer which invests more than 2 percent of its admitted assets in medium and lower grade obligations must adopt a written plan for making such investments. Among other things, the plan is to include standards for diversification of investments.

Insurers are permitted to invest in bonds rated one and two by the Securities Valuation Office and authority to invest in residential mortgage loans is amended to permit investments in loans with a higher loan to value ratio.

**Votes on Final Passage:**

House 98 0  
Senate 40 0

**Effective:** July 25, 1993

**EHB 1845**

C 170 L 93

Modifying certain horse racing purses.

By Representatives Lemmon, Locke, R. Fisher, Fomer, J. Kohl, Orr, Hansen, R. Meyers, Edmondson, Eide, Rayburn, Grant, Johanson, Leonard and Brough.

House Committee on Revenue  
Senate Committee on Labor & Commerce

**Background:** The total amount bet on horse racing is called the "handle." A little over 80 percent of the handle is returned by the race organizers to the betterers as prizes. The amount remaining is called the "take-out." "Purses" are amounts paid by race organizers to owners of winning horses. Purses, operating costs, and payments to the Horse Racing Commission are paid from the take-out.

All race organizers pay license fees and pari-mutuel tax revenues to the Horse Racing Commission. In addition, payments to the Washington thoroughbred racing fund are required under certain circumstances described below.

The pari-mutuel tax is 1 percent of the handle for average daily handles of up to \$250,000. If the average daily handle is more than \$250,000, the tax is 2.5 percent of the handle. Revenues from both the pari-mutuel tax 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

**THE WASHINGTON THOROUGHBRED RACING FUND**

Race organizers who are nonprofit corporations and have race meets of 30 days or more per year must pay to the Horse Racing Commission an additional 2.5 percent of the handle. The commission deposits these additional funds in the Washington thoroughbred racing fund 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 support 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. At the end of the 1992 racing season the thoroughbred racing fund contained \$7.1 million. This was accumulated during the last two racing seasons at the Longacres track, which was operated during those seasons by Emerald Racing, a nonprofit corporation. No appropriations have been made from the fund.

**PURSES**

The amount paid in purses is determined by agreement between the race meet organizers and the Horse Owners Association. Emerald Racing set aside 6.5 percent of the handle for purses during the last two seasons at Longacres. With a \$1.3 million average daily handle, purses averaged

about \$85,000 per day. Longacres is no longer available for horse racing.

Emerald Racing's summer racing season at Yakima is expected to average \$700,000 to \$800,000 in daily handle. At the current 6.5 percent share for purses there would be about \$50,000 per day for purses.

**Summary:** Until January 1, 1994, one-half of those monies that would otherwise be paid into the thoroughbred racing fund are to be retained by the race organizer and must be used for enhancing purses.

The total amount available for purses would be 7.75 percent of the handle, or about \$60,000 per day, at Yakima for Emerald Racing's next season.

The Horse Racing Commission is directed to work with the horse racing industry to ensure that this legislation will not hurt horse racing at other tracks.

**Votes on Final Passage:**

House	98	0	
Senate	48	0	(Senate amended)
House	97	0	(House concurred)

Effective: April 30, 1993

**ESHB 1849**

C 324 L 93

Providing for security of automated teller machines and night depositories.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Zellinsky, Mielke, Peery, Kessler, Dyer, R. Johnson, Jones, R. Meyers, Jacobsen and Kremen).

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

**Background:** Growth in the use of automated teller machines has led to an increase in the number of persons robbed while using such machines. In some cases, victims of robberies have sued the financial institution controlling the machine, alleging that the institution failed to adequately provide for the safety of customers.

**Summary:** Operators of automated teller machines and night depositories must adopt procedures for evaluating the safety of their sites. Such operators must provide lighting in accordance with certain standards. In addition, they must provide information regarding basic safety precautions for users of such sites.

Compliance with these standards constitutes evidence of the operator's adequately providing for the safety of customers.

Local government laws regarding customer safety at automated teller machines and night deposit facilities are preempted.

**Votes on Final Passage:**

House 97 1  
 Senate 48 0  
**Effective:** May 12, 1993

**SHB 1855**

C 462 L 93

Enabling accreditation of the insurance commissioner.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Zellinsky, Kessler and R. Meyers; by request of Insurance Commissioner).

House Committee on Financial Institutions & Insurance  
 House Committee on Appropriations  
 Senate Committee on Labor & Commerce

**Background:** The National Association of Insurance Commissioners (NAIC) coordinates the insurance regulatory activities of the states. The NAIC has established model statutes and regulations for adoption by each state; in particular, the NAIC has created financial regulation standards for supervision of insurance companies. The NAIC will be conducting a review of each state's insurance statutes and regulations to determine whether states meet these financial regulation standards. If Washington meets the standards, the state will be accredited by the NAIC.

After January 1, 1994, states that have received NAIC accreditation will reject the financial solvency examinations of insurance companies conducted by non-accredited states. Insurance companies chartered in non-accredited states may be refused authority to sell insurance in accredited states or may be subject to re-examination by the accredited state.

**Summary:** The Washington Insurance Code is amended to conform to the NAIC's recommended financial regulation standards and recommended regulatory statutes. The amendments address insurance holding companies; insurance broker controlled property and casualty insurance companies; reinsurance intermediaries; managing general agents; insurance company examination procedures; insurer capital and surplus requirements; limitations upon individual insurance company exposure to individual risks; valuation of insurance company investments; receivership, liquidation and rehabilitation of insurance companies; insurance company liabilities and reserves; and regulation of risk retention and risk purchasing groups.

Dental benefits not included in the uniform benefits package designed by the Health Services Commission are exempt from the health care reform law.

**Votes on Final Passage:**

House 98 0  
 Senate 44 0 (Senate amended)  
 House (House refused to concur)

**Conference Committee**

Senate 40 3  
 House 98 0  
**Effective:** July 25, 1993

**HB 1857**

C 93 L 93

Changing travel expense provisions for prospective employees of institutions of higher education.

By Representatives Shin, Brumsickle, L. Johnson, Wood and Romero; by request of State Board for Community and Technical Colleges.

House Committee on Higher Education  
 Senate Committee on Higher Education

**Background:** Under current law, institutions of higher education are permitted to pay travel expenses to bring certain prospective employees to a designated place for an interview. Only applicants being considered for academic positions above the rank of instructor, or professional or administrative employees in supervisory positions, are eligible for payment of travel expenses.

Because members of the faculty in community and technical colleges are considered to be instructors, colleges are not permitted to pay travel expenses to interview prospective faculty members.

**Summary:** Four-year institutions of higher education may pay travel expenses for prospective academic employees above the rank of instructor, or for professional or administrative employees in supervisory positions. Community and technical colleges may pay travel expenses for applicants being considered for full-time faculty positions and for administrative employees in supervisory positions.

**Votes on Final Passage:**

House 97 0  
 Senate 36 5  
**Effective:** July 25, 1993

## HB 1858

### HB 1858 PARTIAL VETO C 505 L 93

Providing for periodic case review for children in substitute care.

By Representatives Brown, Romero, Foreman, Leonard, Lemmon, Mielke, Karahalios, Brough, Long, Kessler, Patterson and Mastin.

House Committee on Human Services  
Senate Committee on Health & Human Services

**Background:** In designated counties, foster care citizen review boards are charged with reviewing foster child placements. The boards are required to conduct numerous reviews at various intervals following placement and, based on the reviews, prepare written findings and recommendations.

**Summary:** The reviews by the Foster Care Citizen Review Board will be limited to the first hearing within 90 days of placement, the second hearing within six months of placement, and the third hearing within one year of placement in foster care.

Permanency planning guidelines are established to ensure Foster Care Citizen Review Board actions follow existing statutory standards. The secretary of the Department of Social and Health Services will develop guidelines to identify all children likely to need long-term care or assistance related to physical, mental, emotional, medical, or other long-term challenges.

#### Votes on Final Passage:

House	98	0	
Senate	43	0	(Senate amended)
House	93	0	(House concurred)

Effective: July 25, 1993

**Partial Veto Summary:** The governor vetoed language specifying when citizen review boards will conduct reviews of children in foster care. The vetoed language would have placed the state in violation of federal laws related to the ongoing review of children living in foster care.

### VETO MESSAGE ON HB 1858

May 18, 1993

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, House Bill No. 1858, entitled:

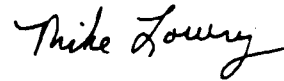
"AN ACT Relating to periodic case review for children in substitute care;"

House Bill No. 1858 is important legislation which authorizes designated counties to provide periodic case review of children in foster care and provides for the development of long-term care programs for foster care children. However, section 3 of this bill contains a drafting error which makes that section impossible to perform and technically out of compliance with federal require-

ments for foster care funding. I have therefore vetoed section 3 of House Bill No. 1858.

With the exception of section 3, House Bill No. 1858 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

### ESHB 1862 C 389 L 93

Permitting a special excise tax on hotel, motel, roominghouse, and trailer camp charges for a trade recreation agricultural center in Pasco.

By House Committee on Revenue (originally sponsored by Representatives Mastin, Grant, Ludwig, Bray and Jacobsen).

House Committee on Revenue  
Senate Committee on Ways & Means

**Background:** A special sales tax on hotel/motel room rentals 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.

In recent years, the Legislature has authorized additional state and local option hotel/motel taxes and has significantly expanded the uses of revenues. The newer local option taxes are not credited against the state sales tax rate.

The hotel/motel room rental sales taxes are:

- Every county, city and town is authorized to impose a hotel/motel sales tax of up to 2 percent to finance a variety of facilities and programs, including the construction and operation of stadiums, convention center facilities, performing arts facilities, and visual arts center facilities, the refurbishment and operation of a steam railway for tourism purposes, and the promotion of tourism. This tax is a credit against the state sales and use taxes that are imposed on hotel/motel room rental charges. With certain exceptions, every county that imposes this basic tax is required to provide a credit for the same tax that is imposed by any city or town within the county. The only situations where both a county and city or town in the same county impose this tax and the county does not provide a credit for the city or town tax are King County and Bellevue, and Yakima County and Yakima City.



- The state imposes hotel/motel sales taxes in Seattle, at a rate of 7 percent, and the remainder of King County, at a rate of 2.8 percent, to finance the State Convention Center.
- Bellevue imposes a hotel/motel sales tax of up to 3 percent to finance a convention and trade center.
- Pierce County imposes a hotel/motel sales tax of up to 2 percent to finance visitor and convention promotion and development purposes.
- Pierce County is authorized to impose a hotel/motel sales tax of up to 3 percent to finance the construction and operation of an indoor aquatic facility. This tax is not currently being imposed.
- A public facilities district in Spokane County imposes a hotel/motel sales tax of up to 2 percent to finance the construction and operation of convention, sports, entertainment, trade, and related facilities.
- By a somewhat general description, cities and towns in Yakima County, other than the city of Yakima, are authorized to impose a hotel/motel sales tax of up to 2 percent to finance stadiums, convention centers, performing arts facilities, and visual arts facilities, and to advertise and publicize for the promotion of tourism. Taxes are not currently being imposed under this authority.
- Any city bordering the Pacific Ocean with a population of at least 1,000, and the county in which such city is located, may impose a hotel/motel sales tax of up to 3 percent. This classification appears to include Pacific County, Long Beach, Grays Harbor County, Ocean Shores, Westport, and perhaps others. Receipts from this tax may be expended for the construction and operation of convention centers, performing arts centers, and visual arts facilities, and for the promotion of tourism. Any city tax is credited against the county tax so that the total tax rate cannot exceed 3 percent. Currently, only Ocean Shores and Westport are imposing this tax.

In 1990, a hotel/motel tax imposed by Thurston County was ruled unconstitutional by the Thurston County Superior Court. The court held that the statute authorizing the tax, which referred to Thurston County by name, was special legislation in violation of Article II, section 28 of the state constitution. Statutes that use general definitions to define a class of governmental entities have also been found unconstitutional by the courts when: (1) the statute defines a "closed" class, for which there is no possibility that additional members may enter the class in the future; or (2) the court determines the Legislature did not have a good reason to exclude entities from the class.

**Summary:** A city with a population of over 10,000 in a county that is the smallest county in a metropolitan statistical area, as defined on the effective date of this act, that has a population of between 38,000 and 50,000, is authorized to impose a special 2 percent sales tax on hotel/motel room rentals. This class appears to include only Pasco.

Revenues from the tax may be used for siting, acquisition, construction, operation, and maintenance of a trade recreation agricultural center, including an exhibition hall, a meeting and convention center, and an agricultural arena. The tax ends when all obligations for which the taxes have been pledged are satisfied.

**Votes on Final Passage:**

House	89	8	
Senate	40	7	(Senate amended)
House			(House refused to concur)

**Conference Committee**

Senate	32	8
House	81	16

**Effective:** July 25, 1993

**HB 1864**

C 180 L 93

Affording accelerant detection dogs the same protection as police dogs.

By Representatives Finkbeiner, Dyer, Horn, L. Johnson, Orr, Brumsickle, Cothorn, Springer, Mastin, Brough, Long, King and R. Meyers.

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** The state fire marshal may use an "accelerant detection dog" in an arson investigation to detect whether an accelerant was used to set the fire. Unlike police dogs, which help police investigate crimes or apprehend suspects, accelerant detection dogs are not protected by a criminal statute which prohibits injuring or killing a police dog. A person is guilty of harming a police dog if the person maliciously injures, disables, shoots, or kills a dog that the person knows or has reason to know is a police dog. The dog does not have to be engaged in police work when the person injures or kills the dog. Harming a police dog is a class C felony.

**Summary:** The criminal statute which prohibits injuring or killing police dogs is made applicable to accelerant detection dogs used by the state fire marshal in arson investigations to detect accelerants used to set fires. If a person maliciously injures, disables, shoots, or kills an accelerant detection dog when the person knows or has reason to know the dog is an accelerant detection dog, the person is guilty of a class C felony. The dog does not have to be engaged in accelerant detection when the person injures or kills the dog. A definition of "accelerant detection dog" is provided.

**Votes on Final Passage:**

House	98	0
Senate	47	0

**Effective:** July 25, 1993

**HB 1865**

C 143 L 93

Preventing check cashers and sellers from operating without a license.

By Representatives Mielke, Kremen, Zellinsky, Dorn, R. Meyers, Schmidt, Tate and Dellwo.

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

**Background:** In 1991, the Legislature adopted a comprehensive licensing statute for persons and organizations engaged in the business of cashing and selling checks. Under the act, the supervisor of banking was granted authority to issue a cease and desist order to licensees who violate the act; however, this authority extends only to persons and organizations who already maintain the required license. If a person or organization fails to obtain the necessary license, the Office of the Attorney General must bring a Consumer Protection Act claim against the offending person or organization. Bringing such an action is a time consuming and expensive process for the enforcement of state licensing requirements. Several pawnbroker businesses are engaging in a check cashing business without a license.

**Summary:** The supervisor of banking may issue cease and desist orders against any check casher or seller who is operating without the required state license, including pawnbrokers engaged in a check cashing business without the required license.

**Votes on Final Passage:**

House 98 0  
Senate 45 0

Effective: July 25, 1993

**SHB 1870**

C 260 L 93

Licensing bail bond agents.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Zellinsky, Heavey and R. Meyers).

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

**Background:** A bail bond is a form of surety insurance regulated under the Insurance Code. Bail bond agents as providers of such surety products are also subject to the insurance commissioner's authority as insurance agents or brokers. Apart from general requirements of the Insurance Code, bail bond agents are not separately licensed and regulated. No specific provision of state law governs the accounting or release of property pledged to secure a bail bond. Some bail bond agents have converted funds or

property to personal use and others have failed to release pledged property in a timely manner.

**Summary:** A new regulatory program is established to license and oversee bail bond agents. The director of the Department of Licensing is responsible for licensing bail bond agents, developing examinations for licensees, and developing prelicensing education requirements. The department is also granted rule making authority and enforcement authority.

The director may suspend or revoke a license, assess a monetary penalty, restrict or limit the agent's practice, and take other corrective action against agents who violate any of the enumerated requirements for holding a license. Among the prohibited practices by bail bond agents are failure to maintain records, failure to place money and other similar security in a trust account, and failure to release pledged property within 30 days after the owner is entitled to possession.

**Votes on Final Passage:**

House 98 0  
Senate 45 0 (Senate amended)  
House 94 0 (House concurred)

Effective: July 1, 1993

**HB 1884**

**PARTIAL VETO**

C 390 L 93

Exempting nonprofit organizations providing credit services from the business and occupation tax.

By Representatives Holm, G. Fisher, Edmondson, Kremen and Rayburn.

House Committee on Revenue  
Senate Committee on Ways & Means

**Background:** Nonprofit organizations pay state 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 organizations that provide credit and debt education, counselling, and negotiation services are exempt from Business and Occupation tax.

**Votes on Final Passage:**

House 93 4  
Senate 40 4

Effective: July 25, 1993

**Partial Veto Summary:** The veto removes a section that would have applied the tax exemption retroactively for activities occurring before the effective date of the act.

amounts paid in other federal or state volunteer programs; (2) a post service stipend, upon completion of service, that is based on the number of months of service; and (3) state medical aid coverage.

Volunteers can not be used to displace or partially displace existing workers and those placed in participating agencies are not eligible for unemployment compensation coverage.

**Votes on Final Passage:**

House 97 1

**First Special Session**

House 91 0

Senate 33 8

Effective: August 5, 1993

### SHB 1973

C 86 L 93

Allowing people to take early retirement who filed late applications.

By House Committee on Appropriations (originally sponsored by Representatives Quall, Linville, Locke, Sheldon, L. Johnson, Cothorn, Basich, Kessler, Holm and J. Kohl).

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** In 1992, the Legislature created a temporary opportunity for members of Plan I of the Teachers' and Public Employees' Retirement Systems (TRS and PERS I) to retire five years earlier than the law would ordinarily allow.

Members could retire by notifying their employer and submitting an application to the Department of Retirement Systems no later than June 15, 1992. The members had to retire by August 31, 1992.

The early retirement law also contained provisions limiting the reemployment of early retirees, either through personal service contracts or on a temporary or project status. School districts were given the option of phasing over a three-year period the payment of accumulated sick leave to early retirees.

Some members misunderstood or received miscommunication about the deadlines for early retirement. They submitted applications before the August 31 deadline, but after the June 15 deadline, and were denied eligibility for early retirement on that basis.

**Summary:** Members of Plan I of the Teachers' or Public Employees' Retirement System who meet the following criteria may retire by submitting a written application to the Department of Retirement Systems by July 1, 1993:

- (1) The member was otherwise eligible (based on age and years of service) to retire under the 1992 early retirement law;

- (2) The member submitted an application to retire before August 31, 1992; and

- (3) The member was denied early retirement eligibility because the department received the application after the June 15, 1992, deadline established in the 1992 early retirement law.

Retirement for these members can take effect retroactively to September 1, 1992, for anyone who left employment before that date and did not subsequently work in an eligible position. For anyone leaving employment after September 1, 1992, the retirement takes effect on the first day of the month following their separation from service, but no later than September 1, 1993.

Provisions of the 1992 early retirement law limiting reemployment of early retirees on personal service contracts or on a temporary or project status are amended to include any retirements under this act. The school district option to pay accumulated sick leave for early retirees over a three-year period also applies to retirements under this act.

**Votes on Final Passage:**

House 98 0

Senate 47 0

Effective: April 21, 1993

### SHB 1977

C 99 L 93

Clarifying authorization for water right certificate holders to participate in acreage expansion programs.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Schoesler, Sheahan, Rayburn, Chappell, Vance, Morton, Dyer, Fuhrman, Long, Chandler, Brumsickle, Foreman and Mastin).

House Committee on Natural Resources & Parks  
Senate Committee on Energy & Utilities

**Background:** The Department of Ecology, local governments, or ground water users in an area may initiate development of a ground water management program for that specific area. State law identifies a number of components that must be included in a ground water management program.

The Department of Ecology adopts rules for implementation of a ground water area or sub-area management program. One such rule addresses the procedure for water right certificate holders to follow if they desire to participate in an acreage expansion program. Under an acreage expansion program, a water right certificate holder is allowed to apply the average of the quantity of water beneficially used during the past three consecutive years to acreage greater than the certificate holder's normal authorized irrigated acreage. In order to participate in an acreage expansion program, the certificate holder must submit a

## SHB 1978

written request to the Department of Ecology. If the acreage expansion program is to continue for more than one year, the Department of Ecology acknowledges continued participation with an annual letter of authorization.

**Summary:** For new participants in an acreage expansion program, authorization for participation shall be on an annual basis for the first two years. After the two-year period, the Department of Ecology may authorize participation for 10-year periods. For water right certificate holders who have already participated in an acreage expansion program for two years, the department may authorize participation for 10-year periods. The department may require annual certification that the certificate holder has complied with all of the requirements of the program. The department may terminate participation in the program for one year if a certificate holder fails to comply with the requirements.

**Votes on Final Passage:**

House	98	0
Senate	47	0

**Effective:** July 25, 1993

## SHB 1978

C 84 L 93

Allowing counties to permit public libraries on county land used for park and recreation purposes.

By House Committee on Local Government (originally sponsored by Representatives J. Kohl, G. Cole, Karahalios, Jacobsen, Dorn, Cothem, Roland, Pruitt, Basich, Miller, Former, L. Johnson, Vance, Cooke, Rust and Hansen).

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** Counties are permitted to adopt comprehensive plans and zoning ordinances.

**Summary:** A county may permit a public library to be located on land owned by the county that is used for park and recreation purposes, unless a covenant or other binding restriction precludes such uses.

**Votes on Final Passage:**

House	91	6
Senate	45	0

**Effective:** July 25, 1993

## ESHB 1988

C 226 L 93

Providing for employment and training services.

By House Committee on Trade, Economic Development & Housing (originally sponsored by Representatives Sheldon, Former, Wineberry, Wood, Shin, Jones, Peery, Roland, Flemming, Quall, Springer, Conway, Morris, Valle, Dorn, Campbell, Linville, Karahalios, Eide, J. Kohl,

H. Myers, Kessler, Holm, Wang, Wolfe, Anderson, Appelwick, Orr, Ogden, G. Cole, Scott, Lemmon, Leonard, Locke, R. Fisher, L. Johnson, Rayburn, Pruitt and Patterson).

House Committee on Trade, Economic Development & Housing

House Committee on Appropriations

Senate Committee on Trade, Technology & Economic Development

Senate Committee on Ways & Means

**Background:** The emerging global economy has significant implications for Washington and its workforce. Recent studies have described the importance of a well-trained workforce to continued economic vitality. Washington Works Worldwide, the 1988 report of the Washington Economic Development Board, concludes that a well-trained workforce is critical to the state's economic competitiveness. In 1990, the governor's Advisory Council on Investment in Human Capital reported that Washington employers are having serious difficulties finding workers with adequate technical and basic skills.

Washington State's unemployment insurance system is funded through a series of six tax rate schedules. The rate in effect depends on the health of the unemployment insurance trust fund. The schedule currently in effect has the lowest average tax rates.

In recent years, states have been using unemployment insurance taxes as one source of funding for programs to assist workers. In 1985, Washington adopted such a strategy by creating a temporary surcharge on the state unemployment insurance tax. Revenue from the surcharge was to provide special job search and placement services to unemployed workers. In 1987, the Legislature made the program permanent.

**Summary:** Changes are made to contributions by businesses currently paid to the federal unemployment insurance trust fund for unemployment insurance benefits. Employer contributions to the unemployment compensation fund are reduced by 0.12 percent. This reduction is offset by imposing a tax of 0.12 percent of taxable wages to be deposited in the employment and training trust fund to provide employment and training services. If the commissioner of the Department of Employment Security determines that, in any year, an increase in the employer unemployment compensation contribution rate is caused by the 0.12 percent diversion, the revenue collected for the training fund goes to the unemployment compensation fund. This offset tax program is repealed in 1999.

The employment and training trust fund is created. Contributions from an offset tax on employer contributions are designated for the employment and training trust fund. The funds are to be used to: (1) enhance the training and services provided by the Employment Security Department for unemployed persons and (2) provide additional training through community and vocational colleges. The

community and technical college system may borrow from the general fund to initiate training at the beginning of the 1994 fiscal year.

Funds allocated from the employment and training trust fund must be consistent with priorities developed by the Workforce Training and Education Coordination Board.

A sunset review is required in 1998. In addition, the employment and training trust fund is repealed in 1999, and the offset tax is repealed on January 1, 1998 - the contribution level stays the same.

An individual may receive, at the discretion of the commissioner, employment security benefits while participating in workforce training. Such individuals are to (1) submit a commissioner-approved training waiver and (2) develop a detailed individualized training plan.

Aerospace workers unemployed as a result of changes in the aerospace industry will be considered dislocated workers.

**Votes on Final Passage:**

House 65 33  
 Senate 25 23 (Senate amended)  
 House 67 30 (House concurred)

**Effective:** July 25, 1993  
 June 30, 1999 (Sections 10 and 12)  
 January 1, 1998 (Section 14)

**HB 1991**

C 179 L 93

Authorizing the home health visitor program to address child abuse and neglect.

By Representatives Flemming, Leonard, Karahalios, Kessler, Eide, J. Kohl, Riley, Dunshee, G. Cole, Veloria, Roland, Patterson, Wolfe, Wang, Johanson, H. Myers, Carlson, Dyer, L. Johnson, Jones, Quall, Rayburn, Springer, Holm and Ogden.

House Committee on Human Services  
 Senate Committee on Health & Human Services

**Background:** The Department of Health, the Department of Social and Health Services, the Department of Community Development, the Office of the Superintendent of Public Instruction, and the Employment Security Department function cooperatively with the Legislature as the Family Policy Council. These agencies provide a number of community-based programs that serve families considered at high risk of child abuse or neglect.

**Summary:** The five agencies who comprise the Family Policy Council will develop a program plan for the Home Health Visitor Program. The primary purpose of this program is to prevent child abuse and neglect through the provision of selected educational and supportive services to "high risk" parents of newborns.

Requirements for the program are that: it be community-based; it include early, hospital-based screening; it in-

clude an in-home outreach and support program; and it demonstrate effective coordination between the existing community-based service programs that also serve this population.

The program plan will include: an estimate and description of the groups to be served; a detailed screening process; a description of the services to be provided; staffing parameters, evaluation methods and expected outcomes; cost estimates for both a statewide program and selected site; and phased-in pilot programs. The plan is to be developed and presented to the appropriate legislative committees no later than December 1, 1993.

**Votes on Final Passage:**

House 89 9  
 Senate 38 5

**Effective:** April 30, 1993

**HB 1993**

C 423 L 93

Making technical amendments to the future teachers and the health professionals conditional scholarship programs to continue existing repayment regulations.

By Representatives Finkbeiner, Jacobsen, Quall, Wood, Brumsickle, Ogden, Basich, Dellwo and Miller.

House Committee on Higher Education  
 Senate Committee on Higher Education

**Background:** Washington has two programs that are designed to attract residents into professions in which the state needs additional expertise. The first program, the Future Teachers Conditional Scholarship Program, was created in 1987. Through this program, the state seeks to attract outstanding students into the teaching profession. The second program is the Health Professional Loan Repayment and Scholarship Program. Through this program, the state seeks to attract people into the health care professions in the hopes that the people will then serve in areas that have a shortage of health care professionals.

Students in the Future Teachers Conditional Scholarship Program may receive up to \$3,000 a year for up to five years. They must then repay the scholarship with interest unless they teach in the public schools of the state for 10 years. To date, about 222 scholarships have been awarded to future teachers. For the 1992-93 academic year, 675 students applied for 33 new awards.

Students in the Health Professional Loan Repayment and Scholarship Program may receive varying amounts of money, depending upon their area of study. They must repay the scholarship with interest over a five year period unless they serve in a geographic or specialty area in which the state has a need of additional expertise. They may be required to repay double the scholarship amount if they do not meet their service obligation. For the 1992-93 aca-



## HB 2001

demic year, 94 awards were made. Of those awards, 78 were made to future nurses.

In each program, the terms of repayment and deferral are modeled on the federal Guaranteed Student Loan Program. In 1992, Congress revised that program. Under the revised program, interest rates will vary and some deferment provisions are eliminated. The administration of the program became more complex and expensive.

The Higher Education Coordinating Board has requested the authority to administer the repayment provisions of the future teachers and health professional scholarship programs under the terms that existed prior to the adoption of the 1992 amendments to the Guaranteed Student Loan Program.

**Summary:** The repayment terms are revised for students participating in the Future Teachers Conditional Scholarship Program and the Health Professional Loan Repayment and Scholarship Program. The terms of both programs will no longer be consistent with the terms of the federal Guaranteed Student Loan Program. Instead, the interest rate will be 8 percent for the first four years, and 10 percent thereafter. The Higher Education Coordinating Board will determine any conditions for deferral of repayments.

### Votes on Final Passage:

House	98	0
Senate	44	3

Effective: July 25, 1993

## HB 2001

C 428 L 93

Clarifying voter-approval procedures for transit agencies.

By Representatives H. Myers and R. Fisher.

House Committee on Transportation  
Senate Committee on Transportation

**Background:** The High Capacity Transit Act is unclear as to how to gain voter approval for a high capacity system and financing plans when the service area includes another country or state. This problem has emerged because Clark County and Portland transit systems may form a bi-state high capacity transportation system. Local officials in Clark County want to make certain that the act clearly defines the body of voters from whom they must seek approval.

**Summary:** Transit agencies that plan to form a high capacity transit system with another state or country must gain approval only from residents living within the service area that is in Washington State.

### Votes on Final Passage:

House	98	0
Senate	45	0

Effective: July 25, 1993

## HB 2008

C 464 L 93

Affecting withdrawal of territory by special districts.

By Representative Dunshee.

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** A wide variety of special districts have been authorized to provide diking and drainage improvements. The franchise in these special districts is limited to property owners.

A 1933 law permits a diking district or drainage district to reorganize as either a drainage and irrigation improvement district or a diking, drainage, and irrigation district with the authority to provide the types of improvements contained in its name.

**Summary:** In addition to a diking district or a drainage district, the following special districts may reorganize into a drainage and irrigation district or a diking, drainage, and irrigation district: (1) irrigation districts; (2) intercounty diking and drainage districts; (3) diking, drainage, and/or sewerage improvement districts; (4) consolidated diking districts, drainage districts, diking improvement districts, and/or drainage improvement districts; and (5) flood control districts.

A procedure is provided for any one of the special districts that provide diking or drainage improvements to have territory withdrawn from its boundaries, if the territory is located in a city or town or is adjacently located to a city or town. Property that is so withdrawn shall remain liable to the special district for special assessments associated with bonds used to finance facilities serving the property.

A section of law relating to diking and drainage district bonds that was both amended and repealed in 1983 is repealed.

Diking and drainage districts may impose rates and charges in lieu of special assessments for lake or river restoration, aquatic plant control, and water quality enhancement purposes and consider the degree to which activities contribute to such problems when imposing the rates and charges.

### Votes on Final Passage:

House	96	1	
Senate	46	1	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 1993

## EHB 2009

C 429 L 93

Including condominiums in parking and business improvement areas.

By Representatives J. Kohl, Wineberry, G. Cole and Holm.

House Committee on Trade, Economic Development & Housing

Senate Committee on Trade, Technology & Economic Development

**Background:** Under state law, all counties, cities, and towns (local governments) may create parking and business improvement areas that are designed to aid general economic development and to facilitate merchant and business cooperation.

The activities in a parking and business improvement area are financed through a special assessment that is imposed on businesses. The assessment finances the: (1) construction, acquisition or maintenance of parking facilities for the area; (2) decoration of public area; (3) promotion of public events in public places in the area; (4) furnishing of music in any public place in the area; (5) provision for maintenance and security of common public areas; or (6) management, planning and promotion of the area, including the promotion of retail trade activities in the area.

Many of the parking and business improvement areas contain multifamily residential condominium developments. It is felt that the activities financed through the special assessments benefit condominium residents as well as businesses.

**Summary:** The parking and business improvement areas law is expanded to allow special assessments to be imposed on multifamily residential or mixed use projects located in the parking and business improvement area. "Multifamily residential" or "mixed-use project" is defined as any building or buildings that contain four or more residential units or a combination of residential and commercial units.

The Washington condominium law is amended to allow condominium associates to participate in parking and business improvement areas. The condominium association may: (1) join in the initial petition for establishment of a parking and business improvement area; (2) participate in any board or advisory board established by the local government for the operation of the parking and business improvement area; and (3) pay special assessments imposed by the local government for activities and projects that benefit the residents of the condominium.

**Votes on Final Passage:**

House	97	0
Senate	40	4

Effective: July 25, 1993

## SHB 2023

C 430 L 93

Transferring jurisdiction for certain roads and highways.

By House Committee on Transportation (originally sponsored by Representative R. Meyers).

House Committee on Transportation

Senate Committee on Transportation

**Background:** In 1991, the Transportation Improvement Board (TIB) was directed to review petitions from state and local governmental entities on the appropriateness of designating certain highways as "state routes." The TIB is directed to apply the statutory criteria for state highways found in RCW 47.17. The TIB is to make its recommendations to the Legislature by November 15 of each year.

This past year, TIB reviewed three requests for route jurisdiction transfers. After applying the criteria, TIB recommended that State Route (SR) 397 in the Pasco area be extended approximately one mile; that SR 506 near the Cowlitz/Lewis County border remain a state route; and that SR 10 in Kittitas County be removed from the state highway system and be returned to the county as a county road. As part of its recommendation to remove SR 10 from the state highway system, the TIB further recommended that the Transfer Relief Fund, which was set up to provide funds for local governments acquiring new roadways, be extended to include funding for Kittitas County for the transfer of SR 10.

In 1991, the Legislature also made a series of state route transfers between state and local governments. SR 160 in Kitsap County was scheduled to be transferred pursuant to the 1991 legislation, but a mud slide washed out a portion of the roadway in the spring of 1992, just before the transfer was to take effect. The transfer was delayed until the road could be repaired by the Department of Transportation (DOT).

It was recently discovered that during the transfers in 1991, the Legislature inadvertently removed SR 304 from the highway system instead of SR 306, which was scheduled for transfer. Both the DOT and Kitsap County recognized this as merely an oversight, and the roads are currently being treated as if they were under the jurisdiction of the proper entities.

**Summary:** State Route (SR) 397 is extended by one mile. SR 10 remains on the state highway system and remains a scenic and recreational highway. No monies are available to Kittitas County for maintenance, since the road remains a state route. New language is added to the state highway criteria, allowing a road that has been designated a scenic and recreational highway to remain on the state highway system in those instances where it also happens to run parallel to another state highway.

Sedgwick Road, which connects SR 16 and the Washington State ferry dock at Point Southworth, is designated

## ESHB 2026

SR 160, as originally provided in the 1991 legislation. A portion of the former SR 160 is redesignated as SR 166.

SR 304 is reinstated on the state route system, and SR 306 is removed, correcting a technical error made in the 1991 legislation.

Additions are made to the state scenic and recreational highway system. Highways that do not meet the criteria for a scenic and recreational highway are removed. Highways that are removed from the system are still subject to billboard control under the Scenic Vistas Act of 1971.

An exception to the Scenic Vistas Act is created, allowing signs along certain scenic and recreational highways to remain in place.

Signs are permitted along portions of the scenic and recreational highway system in areas zoned predominantly for commercial or industrial uses and where the adjacent land has been developed and such development is visible from the highway.

In areas zoned primarily for commercial or industrial uses, but where there is no visible development, signs may remain along the scenic and recreational highway only if they were lawfully installed after May 10, 1971. No new signs are permitted in these areas.

The Department of Transportation shall consider the use of the scenic and recreational highway system by bicyclists and pedestrians in connection with non-motorized routes in the state trail plan and the state bicycle plan. Appropriate signage may be used at intersections of non-motorized and motorized systems to demonstrate access, location and the interconnectivity of various modes of travel for transportation and recreation.

### Votes on Final Passage:

House	97	1	
Senate	46	0	(Senate amended)
House	95	2	(House concurred)

Effective: July 25, 1993

## ESHB 2026

C 422 L 93

Requiring notice about fetal alcohol syndrome.

By House Committee on Commerce & Labor (originally sponsored by Representatives Karahalios, Wood, Leonard and Kessler).

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

**Background:** Fetal alcohol syndrome is the third leading cause of mental retardation in the United States. Approximately 145 babies are born in Washington each year with fetal alcohol syndrome.

**Summary:** The Liquor Control Board is required to post in a conspicuous place within each state liquor store a notice in at least one-inch print warning persons that con-

sumption of alcohol shortly before conception or during pregnancy may cause birth defects, including fetal alcohol syndrome and fetal alcohol effects.

The secretary of the Department of Social and Health Services, through the Division of Alcohol and Substance Abuse, is required to develop and promote statewide secondary prevention strategies designed to increase the use of alcohol and drug treatment services by women of child-bearing age, before, during, and immediately after pregnancy.

The secretary is also required to promote the development of three pilot "pretreatment" projects for women of childbearing age. Two of the projects will be located in public health department clinics that provide maternity services and one in a domestic violence program. The secretary is authorized to hire three certified chemical dependency counselors to work in the three projects. The chemical dependency counselor for the Domestic Violence Program shall also be trained in domestic violence issues.

The duties and activities of the counselors shall include: (1) identifying substance-using pregnant women in the pretreatment projects; (2) educating the women and agency staff on the health effects of alcohol and drugs; (3) determining the extent of the women's substance use; (4) evaluating the need for treatment; (5) making referrals for chemical dependency treatment if indicated; (6) facilitating the women's entry into treatment; and (7) advocating on the client's behalf with other social service agencies or others to coordinate clients into treatment.

The secretary is required to ensure that administrative costs of the department are limited to 10 percent of the funds appropriated for the project.

### Votes on Final Passage:

House	96	0	
Senate	43	1	(Senate amended)
House			(House refused to concur)

### Conference Committee

Senate	44	0
House	93	1

Effective: July 25, 1993

## HB 2028

### PARTIAL VETO

C 506 L 93

Requiring notice to retirement system members who are eligible to restore contributions.

By Representatives Orr and Wolfe.

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** An employee who returns to public employment may restore any previously earned service credit in the state's retirement systems by repaying the amount of

his or her withdrawn employee contributions, plus interest, within a specified time period of returning to work.

Plan I of the Teachers' (TRS) and the Public Employees' Retirement Systems (PERS) require the Department of Retirement Systems to notify such a returning employee, through the employer, of the amount of potential service credit that can be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished.

There is no requirement that the Department of Retirement Systems notify returning employees in Plan II of the state retirement systems.

During the 1980s, members of PERS and TRS who had failed to repay their withdrawn contributions during the five-year time period were given additional windows of time during which they could restore their contributions. Elected officials, however, were excluded from the open windows.

**Summary:** The director of the Department of Retirement Systems is to notify a member of any of the state's retirement systems of the employee's ability to restore withdrawn retirement contributions. The director will send a statement to the member's employer of the potential service credit to be restored, the amount of funds required, the date by when the restoration must be accomplished, and the options for repayment. The employer will provide the statement to the member and place a copy in the member's personnel file.

Nothing in this act or in existing statute authorizes the extension of statutory restoration deadlines for employees who do not receive notice of their eligibility to restore contributions. This is applied retroactively to restoration periods which expired prior to the effective date of the act.

Members of the Public Employees' Retirement System who were not eligible to restore contributions during the open window period offered in 1986 solely because they were elected judges are permitted to restore withdrawn contributions, along with interest, for periods of non-elected service by June 30, 1994.

**Votes on Final Passage:**

House	97	0	
Senate	47	0	(Senate amended)
House			(House concurred in part)
Senate	45	0	(Senate receded in part)
House	94	0	(House concurred)

**Effective:** July 25, 1993

**Partial Veto Summary:** The governor's veto of Section 1 of the bill removes the requirement that the Department of Retirement Systems notify the member of the employee's ability to restore withdrawn retirement contributions. The bill retains the window of eligibility for certain previously excluded classes of active or separated members.

**VETO MESSAGE ON HB 2028**

May 18, 1993

To the Honorable Speaker and Members,  
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. 2028 entitled:

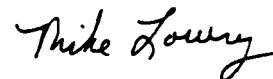
"AN ACT Relating to notification to employees of the ability to restore withdrawn retirement system contributions;"

Section 1 gives the Department of Retirement Systems the responsibility of notifying members of any of the state's retirement systems of their ability to restore withdrawn contributions. While I strongly support the intent of the legislation, I must recommend veto of this section. The additional workload that is placed on the department would require additional funding in order to administer this continuing project. The legislature did not provide this funding in the 1993-95 budget.

For this reason, I have vetoed section 1 of House Bill No. 2028.

With the exception of section 1, House Bill No. 2028 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

**HB 2032**  
C 15 L 93

Authorizing counties with a population of one million or more to have family court and mental health commissioners.

By Representatives Appelwick and R. Fisher; by request of Administrator for the Courts.

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** Superior courts may appoint family court commissioners and mental health commissioners to assist the court in handling family law cases and mental health commitment hearings.

The superior courts' authority to appoint family law and mental health commissioners is derived from statute. Prior to 1991, "class A counties and counties of the first through ninth classes" had statutory authority to appoint family court and mental health commissioners. Therefore, the statute included King County. A county's "class" was determined by population. A class "A" county had a population of 210,000 or more.

In 1991, the Legislature passed a comprehensive bill that eliminated the entire classification scheme. Every statute that referenced a classification was amended to substitute the approximate population range associated with the county class. The statutes governing county authority to appoint family and mental health commissioners were amended to authorize those appointments in "each county

## SHB 2036

with a population of less than one million." The effect of the amendment was to authorize commissioner appointments in every county except King County. Deleting King County's authority to appoint court commissioners was an inadvertent error.

**Summary:** All counties, including King County, may appoint family and mental health commissioners to help the superior court handle cases concerning family law and mental health commitments.

### Votes on Final Passage:

House	96	0
Senate	39	0

Effective: April 12, 1993

## SHB 2036

C 393 L 93

Providing multimodal transportation funding.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Locke and Johanson).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** The high capacity transportation account was created in 1987 and funded by a reduction in the motor vehicle excise tax (MVET) rate which transit agencies in King, Pierce, Snohomish and Thurston counties can impose; the monies equivalent to that reduction are deposited into the account. Funds in this account can be used for any high capacity transportation (HCT) purpose, including freight rail. Participation in funding this account was expanded in 1991 to include transit agencies in Kitsap, Clark, Spokane and Yakima counties. A High Capacity Council advises the Washington State Department of Transportation (WSDOT) on administration of these funds.

The central Puget Sound public transportation account (CPSPTA) and the public transportation systems account (PTSA) were created by the Transportation Funding Act of 1990. These accounts are funded, effective January 1, 1993, by a reduction in the MVET which local transit agencies may impose, from 0.815 percent to 0.725 percent.

The CPSPTA was funded from the further reduction of MVET for transit systems in King, Pierce and Snohomish counties; the monies equivalent to that reduction are deposited into the account. Those funds are pooled and may be used within the three-county region for HCT system development, high occupancy vehicle (HOV) lanes and related facilities, and contributions required to fund projects approved by the Transportation Improvement Board (TIB). Population growth in Kitsap County now makes transit systems in Kitsap County participants in the CPSPTA.

The PTSA is funded in the same manner as the CPSPTA by transit systems in the remainder of the state

which impose the MVET. These monies may be used by the transit systems from which the funds are derived for the development of HCT systems, HOV lanes and related facilities, other public transit system-related roadway projects, and as contributions as required to fund projects approved by the TIB.

When these accounts were established, no process for distribution of monies was prescribed except that those monies could only be distributed by legislative appropriation.

The federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Surface Transportation Program provided monies for multi-modal programs within states. A portion of these funds will be distributed annually on a statewide competitive basis for all modes. The distribution of these funds is administered by the WSDOT with advice from an advisory committee made up of transportation interest groups.

**Summary:** A Multimodal Transportation Programs and Projects Selection Committee is created to be responsible for distribution of monies in several transportation-related accounts. The committee is responsible for selecting, on a competitive basis, programs and projects to be funded by the PTSA, the CPSPTA, the HCTA, and the statewide competitive portion of the Surface Transportation Program funded under federal law.

Criteria for the competitive funding process must reflect account use limitations and address local, regional and state transportation plans and local comprehensive plans. Other criteria to be considered include the Growth Management Act, the Commute Trip Reduction Act, federal and state air quality requirements, Americans with Disabilities Act and specific other issues.

The 21-member committee consists of elected officials and staff from counties, cities and transit agencies, as well as the governor, the WSDOT, public ports, special needs transportation and non-motorized transportation interests. The governor is to appoint such individuals based on a recommendation submitted by respective organizations. The committee selects the non-motorized representative, and elects the chair. Members have staggered, four-year terms.

The WSDOT is to provide staff support to the committee, administer grants and make annual reports to the Legislative Transportation Committee (LTC) beginning October 15, 1993, and each January thereafter. Initial grant applications must be submitted to the Multimodal Committee by September 1, 1993, with funds awarded no later than November 1, 1993.

The uses of monies in the PTSA and the CPSPTA are expanded to allow use for planning, development of capital projects, and for local match to federal programs. Monies in the PTSA are pooled for distribution among those transit systems contributing to the account rather than monies returned to each transit system.



The High Capacity Council which advises the DOT on allocation of HCTA fund distributions is eliminated.

**Votes on Final Passage:**

House 97 0  
 Senate 42 0 (Senate amended)  
 House 98 0 (House concurred)

Effective: May 15, 1993

**HB 2048**

C 372 L 93

Allowing donations subject to conditions to be deposited in the American Indian scholarship endowment fund.

By Representatives Jacobsen, Quall, Brumsickle, Finkbeiner and Miller.

House Committee on Higher Education  
 Senate Committee on Higher Education

**Background:** In 1990, the Legislature created the American Indian Endowed Scholarship Program. The scholarships are funded through the earnings on an endowment created when \$50,000 in private donations are matched with an equal amount of state funds.

The program is administered by the Higher Education Coordinating Board. The board is responsible for collecting the private donations. With the assistance of a screening committee composed of persons interested in the higher education of American Indian students, the board also selects the scholarship recipients. Financially needy American Indians who are enrolled full-time in an accredited Washington college or university are eligible for a scholarship if they are state residents and if they promise to use their education to benefit other American Indians. Upper division and graduate students receive a priority under the program. The board may also give a priority to students majoring in an area in which expertise is needed by the state's American Indians.

The 1990 supplemental budget included \$250,000 for the state match. The state monies are placed in a trust fund until they are matched and can be transferred to the American Indian scholarship endowment fund. The interest earned on the endowment is used to award yearly scholarships to American Indian students.

The Northwest Indian College Foundation has offered to invest a conditional gift in the American Indian Endowed Scholarship Program. However, statute does not provide for the acceptance of a conditional gift. Receipt of a conditional gift also raises questions regarding interest, repayment if the conditions are not met, and release of matching funds.

**Summary:** Gifts subject to conditions may be deposited as private funds into the American Indian scholarship endowment fund. A conditional gift may provide that a portion of the earnings from the gift be reinvested in the endowment fund. If the gift's conditions are not met, the private funds

will be returned to the donor. Conditional gifts are counted toward the match for state funds.

**Votes on Final Passage:**

House 98 0  
 Senate 42 0  
 Effective: July 25, 1993

**ESHB 2054**

C 281 L 93

Reforming public employment law.

By House Committee on Appropriations (originally sponsored by Representatives Peery, Reams, Anderson, Heavey, R. Fisher, G. Cole, Ogden and Lemmon; by request of Governor Lowry).

House Committee on Appropriations  
 Senate Committee on Labor & Commerce

**Background:**  
CIVIL SERVICE

**State Civil Service System:** The State Personnel Board, composed of three members appointed by the governor, sets overall policy for the civil service system as it applies to state employees. The board has some appeals authority, but most state civil service appeals are heard by the Personnel Appeals Board.

The director of the Department of Personnel (DOP) is responsible for the central administration of the state civil service system. The governor appoints the director from a list of three names submitted by the board, which selects these candidates based on a competitive examination.

Certain employees are exempt from state civil service. A position may be designated exempt either by statute or by the State Personnel Board at the request of the governor or another statewide elected official. The requested exemptions are limited to 187 positions for the governor and 25 for other elected officials. Examples of statutory exemptions include directors and assistant directors of state agencies; assistant attorneys general; officers of the State Patrol; and in agencies with more than 50 employees, deputy and division directors, and up to three principal policy assistants reporting to a director or deputy director.

The Career Executive Program was established in 1980 to promote excellence in managerial skills. No more than 2 percent of civil service employees may participate in the program. Currently, about 600 employees in 50 agencies take part. Other non-exempt management employees are generally treated the same as non-management employees under civil service rules.

DOP is funded through a charge to agencies of not more than 1 percent of the salaries of classified employees.

**Higher Education Civil Service System:** The Higher Education Personnel Board (HEPB) is also composed of three members appointed by the governor. Like the State Personnel Board, HEPB sets overall policy for classified

## SHB 2055

employees of four-year institutions and community colleges. However, administration of the higher education civil service system is decentralized and performed by each individual institution.

HEPB is funded through a charge to institutions of not more than 0.5 percent of the salaries of classified employees.

### Summary:

#### CIVIL SERVICE

**Consolidation of Civil Service Systems:** The state civil service system and the higher education personnel law are consolidated into one civil service system. The Higher Education Personnel Board and the State Personnel Board are abolished. The powers and functions of these boards are transferred to the Washington Personnel Resources Board.

The Washington Personnel Resources Board is composed of three members appointed by the governor, subject to Senate confirmation. These requirements are the same as for the current State Personnel Board and the current members will serve out their terms.

The director of personnel is appointed by the governor, subject to Senate confirmation, and serves at the governor's pleasure.

**Rules for Agency Managers:** The director is authorized to adopt personnel rules for non-exempt managers in agencies other than institutions of higher education. These rules are separate from the rules adopted by the board and are not subject to review by the board. Managers under these rules may be disciplined or dismissed only for cause.

Training courses for supervisory or management positions will focus on the critical knowledge, skills, and abilities for successful management performance, and include instruction on managing and valuing diversity in the workplace. Civil service rules and agency policies will be reviewed to ensure that they support workplace diversity goals.

The Career Executive Program is abolished.

**Exemptions from Civil Service:** The number of exempt positions in the "governor's pool" is increased from 187 positions to 1 percent of the classified service, not including employees of institutions of higher education. An employee whose position is exempted may appeal the exemption to the Personnel Appeals Board.

**Certification of Names for Vacancies:** The number of names certified for vacancies is increased from 5 names to 7 names of applicants rated highest on eligibility lists.

**Other Provisions:** Agencies are directed to use joint employee-management committees to collaborate on organizational structures and improvements, to solve workplace and system delivery problems, and address other issues including employee empowerment and quality of work life issues.

The charges paid by agencies and institutions of higher education to the Department of Personnel service fund are increased to a maximum of 1.5 percent of the wages in the

classified service. The current maximum charge is 1 percent for state agencies and 0.5 percent for institutions of higher education.

A task force is created to study and make recommendations to the Legislature by December 1, 1993, on all aspects of the provision of personnel resources, including collective bargaining and contracting for services. The task force is composed of three House members, three Senate members, five persons appointed by the governor, and representatives from employee organizations with at least 500 dues-paying members.

#### Votes on Final Passage:

House	54	44	
Senate	37	10	(Senate amended)
House	94	3	(House concurred)

Effective: July 1, 1993

July 25, 1993 (Section 72)

July 1, 1997 (Section 67)

## SHB 2055

### PARTIAL VETO

C 2 L 93 E1

Creating the department of fish and wildlife.

By House Committee on State Government (originally sponsored by Representatives Hansen, Fuhrman, King, Basich, R. Fisher, Sheldon, Ogden, Lemmon and Conway; by request of Governor Lowry).

House Committee on State Government  
Senate Committee on Natural Resources

**Background:** Prior to 1932, fish and wildlife resources were managed by the Department of Fish and Game and the counties. In 1932, the Game Department and the Game Commission were established by Initiative 62 as separate entities. The Game Commission assumed responsibility for setting fishing and hunting seasons, limits for taking game, and license fees. The Game Commission was also authorized to hire the director of the Department of Game.

In 1945, the Legislature abolished the Game Commission and gave the governor the authority to appoint the director of the Department of Game. The voters overturned this legislation by referendum by a margin of seven to one. In 1987, the Legislature changed the name of the Department of Game to the Department of Wildlife (WDW), and gave the governor the authority to appoint the director of WDW.

Generally, the Department of Wildlife manages wildlife and game fish. The paramount mandate of WDW is to preserve, protect, and perpetuate all wildlife species. WDW is also charged with managing wildlife for recreational hunting and fishing activities. The Department of Fisheries (WDF) manages food fish and shellfish. The mandate of WDF is to preserve, protect, and perpetuate food fish and shellfish, and to maintain the economic well-

being of the fishing industry in the state. Both WDF and WDW have enforcement and habitat protection responsibilities.

In most states, wildlife and fisheries management is consolidated in one agency. In 1980, the Legislative Budget Committee (LBC) issued a report evaluating the feasibility of combining the departments of Fisheries and Wildlife. The report identified savings of \$1.4 million and nine full-time employees for the 1981-83 biennium. In 1984, the House Subcommittee on State Government Reorganization reviewed the merger possibility in light of the similarity of functions, but no action was taken. In 1990, the Efficiency Commission conducted a study of merging hunting and fishing licensing functions. Over the past decade, the Legislature has considered a variety of merger proposals.

**Summary:** The Department of Fish and Wildlife is established. Effective July 1, 1994, the Department of Fisheries and the Department of Wildlife are abolished and all of their powers, duties, and functions are transferred to the new Department of Fish and Wildlife. All records, documents, equipment, funds, assets, employees, rules, and pending business are transferred. The Office of Financial Management will resolve questions arising from the transfer.

The director of the Department of Fish and Wildlife will be appointed by the governor, subject to Senate confirmation, and will serve at the pleasure of the governor. The director is given authority over the management of the department.

By November 15, 1993, the director of the Department of Fisheries and the director of the Department of Wildlife will jointly submit a transition plan to the governor. The LBC will conduct a study to determine the role the Wildlife Commission should play in the new department. The Wildlife Commission will also submit recommendations. The recommendations of the LBC and the Wildlife Commission are due by December 1, 1994.

The Wildlife Commission is renamed the Fish and Wildlife Commission. The commission retains its current jurisdiction over game fish. Three new at-large members are added to the commission. The commission will meet with the governor annually to set goals and objections and review the department's performance. Commission meetings will be limited to four per year, unless called by a supermajority of commission members.

The WDF is required to create a new Sport Fishing Program. The program will: develop a short-term program of hatchery-based salmon enhancement, using freshwater pond sites for rearing; solicit support from regional enhancement groups and other organizations; conduct research on salmon production opportunities; conduct research on marine bottomfish production; fully implement enhancement efforts for Puget Sound and Hood Canal resident salmon and marine bottomfish; identify opportunities to reestablish salmon runs in areas where

they no longer exist; encourage naturally spawning salmon to develop to the fullest possible extent; and fully utilize hatchery programs to improve recreational fishing.

The WDF is further directed to seek recommendations from experts in recreational fisheries enhancement; to undertake research into enhancement techniques, hooking mortality rates, mass marking methods, catch models, and sources of bottomfish mortality; and to develop facilities in 1994 for rearing delayed-release chinook salmon, in each of the following locations: south Puget Sound, central Puget Sound, north Puget Sound, and Hood Canal.

A public awareness program is to be developed by the WDF on the Recreational Fishing Program. The department will recruit volunteers to implement recreational fishing projects.

The department is to increase efforts to document predation on salmon and bottomfish by birds, predatory fish and marine mammals, and explore opportunities to convince the federal government to amend the Marine Mammal Protection Act to allow balanced management of predators.

The department is directed to invite Indian tribal fishing interests as well as non-Indian commercial fishing groups to participate in planning selective fisheries, and to explore the feasibility of achieving greater production by changing rearing programs in the department's chinook and coho hatcheries.

The department may adopt rules regarding fish and wildlife harvest in the federal exclusive economic zone.

The Sport Fishing Program will be coordinated so as not to conflict with the department's wild stock initiative. The department is directed to develop plans for increasing recreational access to salmon and marine resources, and to contract with private consultants, aquatic farms, or construction firms, where appropriate, to achieve the highest benefit-to-cost ratio for recreational fishing projects.

The department is directed to develop proposed legislation for a Recreational Fishing Capital Facilities Improvement Program financed through general obligation bonds, and to present this legislation to the Legislature by January 1, 1994.

The recreational fisheries enhancement account is created in the state treasury. An annual recreational surcharge of \$10 is added to recreational salmon and marine bottomfish licenses in Puget Sound, the Strait of Juan de Fuca, and Lake Washington. All receipts from the \$10 surcharge will be deposited into this account. An appropriation of \$500,000 is made from the general fund to the account, to be repaid from the surcharge. Expenditures from this account may only be used for recreational fisheries enhancement programs.

## EHB 2061

### Votes on Final Passage:

House	90	7	
Senate	43	3	(Senate amended)
House			(House refused to concur)

### First Special Session

House	89	2
Senate	34	11

August 5, 1993

July 1, 1993 (Sections 7, 60, 80, and 82-108)

July 1, 1994 (Sections 1-6, 8-59, and 61-79)

**Partial Veto Summary:** The governor vetoed a provision that directed the department to implement the new recreational fishing enhancement activities without diminishing existing salmon programs, and constrained the department from advocating or improving recreational fishing at the expense of commercial fishing.

### VETO MESSAGE ON SHB 2055

May 28, 1993

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 96,  
Engrossed Substitute House Bill No. 2055 entitled:

"AN ACT Relating to the creation of the department of fish  
and wildlife;"

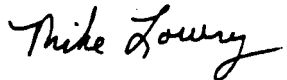
I congratulate the Legislature for passing Engrossed Substitute House Bill No. 2055. This bill, like other agency consolidation measures enacted this year, will have a major positive impact on how we organize work and serve the public in our state agencies. The merger of fisheries and wildlife functions will save money, result in more accountable and efficient management, and eliminate overlap and duplication of effort. By improving management, we will be better able to focus the combined resources of the two departments on protecting the valuable fish and wildlife resources and habitat of this state for future generations.

However, a portion of section 96 would limit the ability of the new agency to wisely manage the resource under the new recreational salmon and marine fisheries enhancement program. The second sentence in that section constrains the Department of Fisheries and the new combined department from making decisions that may adversely affect a particular interest group. While decisions adverse to any interest group are never the preferred choice of the department, responsible stewardship and wise use of the resource occasionally require difficult decisions. The Governor and the department must retain the authority to make those decisions.

In order to maintain the intent of the remainder of section 96, I am directing the department to implement new recreational fishing enhancement activities prescribed by this act in a manner that clearly differentiates these activities from existing salmon programs of the department.

With the exception of section 96, Engrossed Substitute House Bill No. 2055 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

## EHB 2061

C 85 L 93

Changing hunter education provisions.

By Representatives Chappell and King.

House Committee on Fisheries & Wildlife  
Senate Committee on Natural Resources

**Background:** State law requires anyone under 18 years of age who purchases a hunting license from the Department of Wildlife to complete a hunter safety education course of at least six hours. A rule adopted by the department requires that the course be at least 10 hours. In 1992, between 10,000 and 11,000 individuals completed the course.

**Summary:** The minimum number of hours of hunter safety education required by statute to qualify for a license is changed from six to 10 hours. Anyone born after January 1, 1972, who purchases a hunting license for the first time after January 1, 1995, from the Department of Wildlife must have completed the hunter safety education course or an approved course offered by another state.

### Votes on Final Passage:

House	96	0
Senate	41	1

Effective: July 25, 1993

## HB 2066

C 465 L 93

Changing school levy provisions.

By Representatives J. Kohl, Wang, G. Cole, Silver, Leonard, R. Fisher, Patterson, Peery, Locke, Pruitt, Brough, Cothorn, Appelwick and Eide.

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

**Background:** The 1977 Legislature enacted various K-12 funding reform measures including the Levy Lid Act. The intent of the Levy Lid Act was to reduce maintenance and operation levies as state funding increased.

Initially, the levy limit was set at 10 percent of state basic education funds received by a district. School districts having levies in excess of 10 percent were provided grandfather exemptions. Since 1977, the levy lid law has been amended 10 times. The most significant recent change occurred in 1987 when the levy lid was raised to 20 percent, and a levy equalization program was created for districts with high tax rates due to low property valuations.

Under the current levy lid statute, school districts cannot be certain of the specific rate that will be permitted for collection in the calendar year following a levy election. The uncertainty in the levy calculation base is due to actions of the Legislature in the Appropriations Act that will

## VETO MESSAGE ON HB 1884

May 15, 1993

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen:

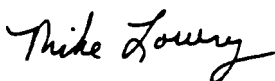
I am returning herewith, without my approval as to section 2,  
House Bill No. 1884, entitled:

"AN ACT Relating to nonprofit organizations providing  
credit services."

House Bill No. 1884 provides a B & O tax exemption for certain nonprofit corporations providing credit services. Section 2 of the bill contains an inappropriate and potentially costly retroactivity clause. Applying this exemption retroactively is unfair to taxpayers who have complied with the existing law by paying their taxes accurately and in a timely manner. Further, it encourages taxpayers to delay paying lawful taxes in the hope of future legislative exemption. I have, therefore, vetoed section 2 of House Bill No. 1884.

With the exception of section 2, House Bill No. 1884 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

## SHB 1886

C 391 L 93

Authorizing the board of boiler rules to prescribe extended inspection schedules for power boilers.

By House Committee on Energy & Utilities (originally sponsored by Representatives Grant, Miller, Kessler, Horn, Kremen and Casada).

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

**Background:** The Board of Boiler Rules, created in 1951, is a five member board responsible for establishing definitions, rules and regulations for: (1) the safe and proper construction, installation, repair, use and operation of boilers; and (2) the safe and proper construction, installation and repair of unfired pressure vessels in the state.

Power boilers are to be inspected (1) both internally and externally while not under pressure on an annual basis, and (2) externally while under pressure on an annual basis, if possible. A two-month grace period is allowed between internal inspections and between external inspections.

**Summary:** The board may provide for longer periods between both internal and external inspections of power boilers while not under pressure if the contents, history, and operation of the power boiler warrants special consideration.

The existing two-month grace period allowed between inspections will apply to whatever period the board establishes.

## Votes on Final Passage:

House	97	0	
Senate	43	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 1993

## SHB 1893

C 175 L 93

Regulating motor vehicle dealers' buyer's agents relationships.

By House Committee on Transportation (originally sponsored by Representatives Zellinsky, Fomer, R. Fisher and Kremen).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** In the mid 1980s, a new industry began to emerge in Washington which was designed to assist consumers in locating and purchasing motor vehicles which fit their income and transportation needs. The thrust of the industry was to utilize expertise in automobile sales to eliminate hassles in car buying for consumers. The "buyer's agent" acts as the representative of the buyer and negotiates or arranges for the purchase of a vehicle. The buyer's agent does not take ownership interest in the vehicle. The customer's contact with the selling dealership is minimal, generally limited to delivery of the vehicle and completing paperwork necessary to effect transfer of ownership.

The buyer's agent provides a service and is compensated for that service by the consumer. Compensation received by the buyer's agent is not derived from the sale of a vehicle, but is derived from the services provided.

Some buyer's agents have been accepting fees from the new vehicle dealers which are not disclosed to the consumer. This places vehicle dealers in the position of providing a fee (kickback) or losing the sale to a dealer who will pay the fee to a buyer's agent.

The Department of Licensing estimates that there are approximately 25 buyer's agents operating in this state, of which 15 are currently licensed as vehicle dealer/buyer agents.

**Summary:** A definition of "buyer's agent" is created in the motor vehicle dealer statutes. A buyer's agent is any person employed by the consumer to arrange for or to negotiate the purchase of a new motor vehicle on behalf of the consumer. Buyer's agents must be licensed by the Department of Licensing.

It is illegal: (1) for a new vehicle dealer to pay or receive a fee in connection with the purchase or sale of a new motor vehicle; (2) for a buyer's agent to pay or receive a fee from a new motor vehicle dealer in connection with the purchase or sale of a new motor vehicle; and (3) for a buyer's agent to purchase a new motor vehicle



## SHB 1907

through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to this state's lemon law provisions.

### Votes on Final Passage:

House 97 0

Senate 49 0

Effective: July 25, 1993

## SHB 1907

C 392 L 93

Penalizing carriers that exceed estimates for moving household goods.

By House Committee on Transportation (originally sponsored by Representatives Wineberry, Jones and Lemmon).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** Household goods carriers, moving and storage companies are regulated by the Utilities and Transportation Commission. By WAC rule, when the actual charges exceed the estimate given by a household goods carrier, the moving company is subject to an administrative penalty of \$100/violation if:

- (1) for a long distance move, the actual charge exceeds the estimate by 15 percent; or
- (2) for a local move, (a) the actual charge for the time required to complete the move exceeds the estimate by 25 percent, or (b) the actual charges for other services not directly related to the time charge exceed the estimate for these services by 15 percent.

Because the penalty for underestimating the actual charges is only \$100, some carriers are deliberately submitting a low bid to get the business and then billing the customer for the actual charges. The customer may retrieve his/her possessions by paying 110 percent of the estimate, and settling the difference later.

**Summary:** The monetary penalty the Utilities and Transportation Commission may impose on a household goods carrier who underestimates the actual moving charges is increased from \$100/violation to up to \$1,000/violation when the actual charges exceed the percentages allowed by the commission.

### Votes on Final Passage:

House 98 0

Senate 42 0 (Senate amended)

House 96 0 (House concurred)

Effective: July 25, 1993

## SHB 1910

C 325 L 93

Creating an inventory system for state-owned or leased facilities.

By House Committee on Capital Budget (originally sponsored by Representatives Silver, Wang, Sommers, Brough, Mielke, Foreman, Dyer, Brumsickle, Long, Edmondson, Horn, Casada, Wood, Flemming, Morton, Miller, Cooke, Fomer and Anderson).

House Committee on Capital Budget  
Senate Committee on Government Operations

**Background:** The Office of Financial Management (OFM) is the executive branch agency responsible for state budget planning and administration. OFM maintains a statewide accounting system, controls and monitors the expenditure of state funds, maintains central budgeting and asset databases, forecasts population trends, and conducts long-range budget planning.

The Office of Archaeology and Historic Preservation in the Department of Community Development is charged with preparing nominations to the state and national registers of historic places, establishing a matching grant program for historic site preservation, promoting historic preservation efforts, and maintaining a state register of historical, architectural, archaeological and cultural sites.

Several state facility management studies conducted during the late 1980's identified a need for accurate and timely information describing the amount and condition of state-owned and leased facilities.

**Summary:** The Office of Financial Management must develop and maintain an inventory system to account for all owned or leased facilities utilized by the state. Only facilities with walls and a roof must be included in the inventory system. OFM is not required to inventory roads, bridges, parking areas, utility systems, and other similar improvements to real property.

The inventory system must include the location, type, and size of each facility. In addition, for owned facilities, the system must include the date and cost of original construction and the cost of any major remodeling or renovation. The system must be developed by January 1, 1994. The initial inventory must be completed by June 30, 1994, and updated annually.

All state agencies, departments, boards, commissions, and institutions must provide a complete inventory of owned and leased facilities to OFM by May 30, 1994. These inventories must be in a standard format prescribed by OFM and must be updated annually.

The Office of Archaeology and Historic Preservation must provide state agencies with a list of state properties currently included on the National Register of Historic Places. The office must also provide agency staff with technical information on the identification of historic properties and the criteria for facilities to be placed on the

National Register of Historic Places. State agencies must, in turn, provide the office with a list of properties that are at least 50 years old or that may be eligible for listing in the National Register of Historic Places. The office must compile and disseminate an inventory of state-owned historic properties by June 30, 1995.

**Votes on Final Passage:**

House	98	0	
Senate	47	0	(Senate amended)
House			(House refused to concur)

**Conference Committee**

Senate	44	3
House	95	0

**Effective:** July 25, 1993

**HB 1911**

C 262 L 93

Regulating fire protection districts in newly incorporated cities and towns.

By Representatives Zellinsky, Reams and H. Myers.

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** The incorporation of a city or town involves several steps over an extended period of time, including: (1) the filing of a petition calling for the incorporation; (2) an election on the incorporation; (3) a primary to nominate candidates for the initial elected positions; (4) an election to elect the initial elected officials; (5) an interim transition period; and (6) the official date of incorporating the city or town.

During the interim transition period, a single fire protection district may annex all of the newly incorporated city or town, effective immediately upon the official incorporation of the new city or town. If such an annexation does not occur, territory in the city or town is removed from any fire protection district or districts at the official date of incorporation. The newly incorporated city or town could create its own fire department or contract with another city or town, or a fire protection district, for the provision of fire suppression services.

A ballot proposition is submitted to the voters of a city or town authorizing a fire protection district to annex the city or town, if the annexation is approved by both the board of fire commissioners and the city or town council. If the annexation is approved by city or town voters, the fire protection district imposes its tax levies throughout its boundaries, including the city or town, and the levy rate of the city or town is reduced to the lesser of either \$3.60 per \$1,000 of assessed valuation, less the levy rate of the fire protection district, or whatever the rate of regular property taxes the city or town could have imposed without the annexation.

**Summary:** A newly incorporated city or town is deemed to have been annexed by the fire protection district or districts that are located in the incorporated area unless, prior to the city's or town's official date of incorporation, the city or town council adopts a resolution precluding these annexations.

The newly incorporated city or town remains in the fire protection district or districts during the remainder of the year of the city's or town's official date of incorporation, or through the following year if this extension is approved by resolution of the council and board or boards of fire commissioners. After this date, the city or town is removed from the fire protection district or districts. However, the city or town could annex to a single fire protection district under other provisions of law.

While a fire protection district remains in existence in a city or town, laws are held in abeyance that: (1) provide for a distribution of the district's assets to the city or town if the city or town annexes or incorporates a certain percentage of the district's assessed valuation; and (2) preclude the imposition of a fire protection district's tax levies if the entire fire protection district is included within a newly incorporated city or town.

A city or town acquires a proportionate share of a fire protection district's liabilities when the city or town acquires the district's assets as a result of annexing or incorporating territory that constitutes 60 percent or more of the district's assessed valuation.

**Votes on Final Passage:**

House	98	0	
Senate	48	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 25, 1993

**SHB 1912**

C 463 L 93

Establishing guidelines for allowing witnesses at an execution.

By House Committee on Corrections (originally sponsored by Representatives Morris and Long).

House Committee on Corrections  
Senate Committee on Law & Justice

**Background:** Washington law contains no guidelines for allowing individuals to witness the execution of a person sentenced to death.

**Summary:** A process is established for authorized individuals to attend and witness the execution of an offender sentenced to death.

Not less than 20 days prior to a scheduled execution, judicial officers, media representatives, representatives from the families of the victims, and representatives from the family of the defendant who wish to attend and witness the execution must submit an application to the superinten-

## SHB 1915

dent of the penitentiary at Walla Walla. The application must designate the relationship and reason for wishing to attend.

Not less than 15 days prior to the scheduled execution, the superintendent must designate the maximum number of individuals allowed to attend and witness the execution. In no case will more than 17 individuals, other than required staff, witness the execution. The following categories of witnesses will be allowed: media representatives; judicial officers; representatives from the families of victims; and, representatives from the family of the defendant.

After the list is composed, the superintendent must serve the list on all parties that submitted an application. The superintendent must develop and implement procedures to determine who, within each category of witness, will be allowed to observe the execution.

Not less than 10 days prior to the scheduled execution, the superintendent must file the witness list with the superior court from which the conviction and death warrant was issued. A petition must be included asking the court to enter an order certifying the list as the final order identifying the witnesses to attend the execution. The final order certifying the witness list may not be entered less than five days after the filing of the petition.

Unless a show cause petition is filed with the county superior court from which the conviction and death warrant was issued within five days of the filing of the superintendent's petition, the superintendent's list, by order of the court, becomes final and cannot be challenged for its appropriateness.

Witnesses must adhere to the Department of Corrections' search and security provisions for attending an execution.

The county superior court from which the conviction and death warrant was issued is the exclusive court for seeking the privilege of attending and witnessing an execution.

"Judicial officer," "media representative," "representative from the family of the victim" and "representative from the family of the defendant" are defined.

### Votes on Final Passage:

House	97	1	
Senate	43	0	(Senate amended)
House	92	2	(House concurred)

Effective: July 25, 1993

## SHB 1915

C 150 L 93

Allowing less restrictive easements concerning aircraft noise.

By House Committee on Local Government (originally sponsored by Representatives Patterson, H. Myers, Brough and Valle):

House Committee on Local Government  
Senate Committee on Government Operations

**Background:** A port district that operates an airport serving more than 20 scheduled jet aircraft flights per day may establish a program of aircraft noise abatement. Among other items, the aircraft noise abatement program may include the purchasing of property and soundproofing structures. A property owner must waive all damages and convey a full and unrestricted easement to the port district for the operation of aircraft and associated aircraft noise when a port district soundproofs a structure under this program.

**Summary:** A property owner whose structure is soundproofed under a port district airport noise abatement program must only waive damages, instead of all damages, and convey an easement, instead of a full and unrestricted easement, to the port district.

A property owner may receive benefits more than once under each separate noise abatement program, if the property is subjected to increased aircraft noise or differing aircraft noise impacts that would have afforded different levels of mitigation, even if the property owner had waived all damages and conveyed a full and unrestricted easement.

### Votes on Final Passage:

House	97	0
Senate	38	6

Effective: July 25, 1993

## ESHB 1922

PARTIAL VETO

C 338 L 93

Creating a work ethic boot camp program within the department of corrections.

By House Committee on Corrections (originally sponsored by Representatives Lemmon, Mastin, Morris, Hansen, Basich, Kessler, Johanson, Scott, Tate, Bray, Campbell, Dunshee, Eide, Orr, Grant, Lisk, Ludwig, R. Meyers, Springer, Finkbeiner, Dom, Vance, Quall, Kremen, Rayburn, Brough, Foreman, Riley, L. Johnson, Horn, King, Forner, Roland, Ogden, Thomas, Brumsickle, Long, Casada, Ballasiotes, Mielke, Cooke, Van Luven and Karahalios).

House Committee on Corrections  
 Senate Committee on Law & Justice  
 Senate Committee on Ways & Means

**Background:** The Department of Corrections is responsible for providing services to evaluate, control, and redirect the behavior of adult felony offenders committed to its jurisdiction by the courts. The system provides programs designed to avoid idleness and promote the work ethic and self-improvement opportunities.

The Department of Corrections does not administer a boot camp program. The department does, however, administer a range of offender work programs including four active forest camp programs throughout the state. The forest camp programs house men and women in barrack-style housing and require the offenders to perform hard physical labor in the forest such as fighting fires, tree planting, and tree thinning, and also to attend off-work education, drug treatment, and anger management classes.

Approximately 14 states are conducting as many as 25 boot camp incarceration programs in the United States. Most of the programs are modeled after the United States military style boot camp; however, work programs are a component in many of the programs. Of the 10 states reportedly initiating a new boot camp program, most are developing their programs with a focus on the work ethic component. Although research information about boot camps is still relatively sparse, the trend nationwide seems to indicate that recidivism may be reduced. Data show that recidivism rates range from about 35 percent in a traditional military style boot camp in Georgia to less than 17 percent in a modified work style boot camp in Idaho. The average national recidivism rate is approximately 45 percent.

**Summary:** The secretary of the Department of Corrections is required to establish, within 120 days after the effective date of the act, a work ethic camp pilot program effective until July 1, 1998. The department must establish the work ethic camp within an already existing department compound or facility or a new facility that is scheduled to be completed within the program's implementation date. The work ethic camp program must last from 120 to 180 days. The department is given the authority to set the capacity of the work ethic camp.

Offenders are recommended to the work ethic camp program as a condition of their sentence by the sentencing judge. The judge is required to convert the period of work ethic camp confinement at a rate of one day of work camp to three days of total standard confinement. The sentence must also include a component of community placement post-release supervision upon release from the work ethic camp. In addition, two weeks prior to release from the work ethic camp, the offender is required to undergo transition training.

An offender is eligible for sentencing to the work ethic camp, if the offender:

- (1) is between the ages of 18 and 28;
- (2) has no known physical or mental impairments that would prevent his/her ability to perform the program's mandatory physical and mental activities;
- (3) is a first time drug offender or an offender sentenced from 22 to 36 months;
- (4) is not convicted of any sex or violent offenses; and
- (5) agrees to the terms and conditions of the program.

Program standards, conduct standards, educational components, drug rehabilitation program parameters, individual and team work goals, and guidelines and timelines for successful program completion are determined by the Department of Corrections. The work ethics camp program components include:

- (1) real-world vocational job experiences;
- (2) character building work ethic training;
- (3) life management skills development;
- (4) substance rehabilitation and counseling;
- (5) literacy training;
- (6) adult basic education and general education development test achievement;
- (7) an intense range of character and skill building challenges; and
- (8) citizenship skills and measures to hold the offender accountable for his or her behavior.

The offender can be expelled from the program for failure to comply to program rules as determined by the department. Those offenders expelled from the program are required to be reclassified and serve the remainder of their sentence in another facility.

The department is required to employ 100 percent of all the offenders in the program in class I, class II, class III, and class IV correctional industries job programs. Initially, no more than 35 percent of the inmates are allowed to work in class III jobs. After the first year, the percentage of class III jobs is required to be reduced by 10 percent until no more than 10 percent of all offenders are employed in this class of work. The department is also given the authority to conduct prison work crews that can conduct litter control and minor emergency repair on public roads. All work done by the work crews must not negatively impact employment for persons with developmental disabilities or have a negative impact on the local labor or business market. The work ethics camp program is required to emphasize work programs that positively impact the natural environment.

The department and the Office of Financial Management are required to analyze the effectiveness of the program through a review of recidivism rates, program costs, and public safety success. Interested universities are encouraged to participate in the program evaluation. The final outcome evaluation report is due January 15, 1998.

**Votes on Final Passage:**

House	98	0	
Senate	43	2	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 1, 1993

## HB 1923

**Partial Veto Summary:** Both the mandatory percentages of total inmates employed in the work ethic camp and the percentages of inmates employed in Class I, II, III, or IV correctional industries programs in the work ethic camp are eliminated.

### VETO MESSAGE ON ESHB 1922

May 13, 1993

To the Honorable Speaker and Members,  
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. 1922 entitled:

"AN ACT Relating to creation of a work ethic boot camp."

Engrossed Substitute House Bill No. 1922 directs the Department of Corrections to create a work ethic camp within an existing or soon to be completed Department of Corrections facility. This program of education and training for offenders should reduce recidivism and increase public safety.

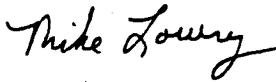
Section 5 of Engrossed Substitute House Bill No. 1922 directs the Department to employ 100 percent of all program inmates in Class I, II, and IV correctional industries jobs programs, with limited employment allowed for Class III industries. The Department does not currently have Class I and II programs available at potential camp sites and therefore cannot comply with the requirements of this section within the timeline set out in the bill.

Additionally, section 5 imposes limitations on the employment level allowed for Class III industries such as food service, sanitation, maintenance and clerical support. While I agree with the goal of meaningful work experience, the limitations on Class III industries may prove too restrictive, forcing the Department to pay staff overtime or hire outside contractors to perform functions traditionally assigned to inmates.

While I have vetoed section 5 for the reasons stated above, the intent of Engrossed Substitute House Bill No. 1922 will be carried out. The Department of Corrections is committed to the establishment of a successful and productive camp under this bill and to work with the legislature on the further development of the work ethic camp program.

With the exception of section 5, Engrossed Substitute House Bill No. 1922 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

## HB 1923

C 185 L 93

Modifying provisions relating to the advisory council on historic preservation.

By Representatives Veloria, Wood, Jacobsen, Ogden and J. Kohl.

House Committee on State Government  
Senate Committee on Government Operations

**Background:** The State Advisory Council on Historic Preservation was established in 1983 to review and recom-

mend nominations for the state and national registers of historic places, and to advise the governor and the Department of Community Development on historic preservation matters. The council also makes recommendations on grant awards to local governments with certified historic preservation programs. The Office of Archaeology and Historic Preservation, in the Department of Community Development, is responsible for staffing the advisory council.

Members of the State Advisory Council on Historic Preservation include: the director of the State Historical Society; six members of the public with experience in history, architecture, and archaeology; a Native American; and the director of the Washington Archaeological Research Center. However, the Washington Archaeological Research Center no longer exists.

To receive federal funding under the National Historic Preservation Act, state historic preservation programs must have a qualified state historic preservation review board. The State Advisory Council on Historic Preservation is scheduled to terminate on June 30, 1993.

**Summary:** The termination provision for the State Advisory Council on Historic Preservation is repealed. The director of the Washington Archaeological Research Center is replaced as a council member by a representative of the Washington archaeological community.

### Votes on Final Passage:

House	98	0
Senate	44	0

Effective: June 30, 1993

## SHB 1926

C 169 L 93

Regulating the sale and distribution of state publications.

By House Committee on State Government (originally sponsored by Representatives Anderson and Reams).

House Committee on State Government  
Senate Committee on Government Operations

**Background:** State law directs the state law librarian to distribute sets of the House and Senate journals to: the secretary of the Senate and each assistant secretary; the chief clerk of the House of Representatives and each assistant to the chief clerk; each minute clerk and sergeant-at-arms of the Legislature; each official whose office is created in the constitution; each director of a State Department; and numerous libraries and law libraries in the state.

Journals from the previous regular session and intervening special sessions of the Legislature must be provided for the use of legislators in such numbers as directed by the chief clerk and secretary.

Surplus sets must be sold at \$30 plus postage for the journals of a regular session and at a price set by the state printer for separate journals of other sessions.



The state law librarian is authorized to retain sets for the use of the Law Library, to exchange sets for those of other states, and to make other distributions as the librarian deems proper.

**Summary:** Two copies of the journals are to be provided, without charge, to the State Library. State elected officials and directors of state departments are to be provided sets of the journals only upon their request.

The state law librarian may canvass those entitled to receive copies of the journals of the House and Senate and may reduce or eliminate the number of copies distributed to anyone who so concurs.

The prices of all of the journals sold by the law librarian are to be set by the chief clerk of the House and the secretary of the Senate in consultation with the state printer.

**Votes on Final Passage:**

House	98	0
Senate	44	0

**Effective:** July 25, 1993

## SHB 1931

C 427 L 93

Regulating steamboat operators.

By House Committee on Transportation (originally sponsored by Representatives Schmidt, Zellinsky and Wood).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** Since 1927, for-hire or common carrier vessels and ferries operating between fixed termini or over regular routes on Washington waters have been regulated by the Washington Utilities and Transportation Commission (WUTC) as steamboat companies under Chapter 81.84 RCW. The entry standard for granting a certificate is "public convenience and necessity" (PC&N).

Two types of private ferry service exist: private passenger and freight ferries, and launch services. Launch services provide ship-to-shore transportation of freight and a ship's crew for large ships anchored in Washington waters. To date, the WUTC has granted 19 steamboat certificates.

A steamboat certificate holder normally has exclusive rights to the route granted. This means a certificate, once granted, may remain outstanding indefinitely, with or without activity, unless the certificate provides otherwise; the certificate holder fails to provide reasonable and adequate service; or the certificate holder violates the requirements of the certificate.

In addition to determining whether the applicant meets the PC&N test, the WUTC must consider whether the proposed service violates the requirements of RCW 47.60.120 which prohibits the construction and operation of commer-

cial ferry crossings within 10 miles of a state ferry crossing. This is commonly referred to as the "10-mile rule."

A 1990 attorney general opinion found that the 10-mile distance is 10 highway miles measured in airline distance and is applied by comparing the two end points of a commercial ferry crossing to the two end points of a state crossing. If the former is within 10 miles of the latter, the crossing is prohibited.

In some instances, strict application of the 10-mile rule can produce an unreasonable result in those cases where private ferry service does not impact state service, and where there is a benefit to the traveling public.

In 1990 an interim subcommittee of the Legislative Transportation Committee (LTC) examined the certification process for private passenger ferries. The following issues were identified during the subcommittee's review of the subject: notice of an application for commercial ferry operation to the DOT and cities and counties; the financial responsibility of private companies and their ability to provide reasonable, reliable service over time; the absence in existing law of a procedure for determining and taking action on a certificate that is dormant; and the absence of a statutory definition of the "10-mile rule."

In 1991, proposed legislation addressing the aforementioned issues was introduced and heard in the House and Senate Transportation Committees, but did not pass the Legislature.

**Summary:** All references to "steamboat operator" are changed to "commercial ferry operator."

The "10-mile rule" is defined as 10 statute miles measured by airline distance and is applied by comparing the two end points or termini of a state ferry crossing to those of a private ferry crossing.

The WUTC is authorized, upon written petition of a certificated, commercial ferry operator or an applicant for certification and upon notice and hearing, to grant a waiver from the 10-mile restriction. The decision to grant a waiver must be based on consideration of the impact of the waiver on transportation congestion mitigation, air quality improvement, and the overall impact on the state ferry system. The waiver is effective for five years and becomes permanent at the end of that period unless appealed by the WUTC, the Department of Transportation (DOT), or an interested party.

Upon the filing of an application for certification, in addition to any common carrier that may be adversely impacted, the WUTC is required to notify the DOT and affected cities and counties.

A standard of service is included which requires operators to exercise a certificate in a manner consistent with the conditions established in the certificate or tariffs.

No public agency may compete with or operate on the same route as a certificate holder without first acquiring the rights of the certificate holder.

The holder of a certificate is required to initiate service within five years of obtaining the certificate and to report

## HB 1943

to the WUTC every six months on the progress of the certificated route. The progress report must include, at a minimum, environmental impact, parking, docking and financing considerations. The WUTC may extend the certificate on a 12-month basis for up to three years, provided the six-month progress reports indicate there is significant advancement toward initiating service. The WUTC may grant a second extension for existing certificates for a period up to two years.

The WUTC must determine the financial ability of an applicant to operate the proposed service for at least 12 months, based upon the submission by the applicant of a pro forma financial statement of operations. An applicant, under penalty of perjury, must certify and declare that the financial information submitted is true. The financial responsibility provisions do not apply to a certificate pending as of the effective date of the act.

A certificate holder is required to obtain liability and property damage insurance on each vessel used.

Conditions under which the WUTC is required to cancel, revoke, suspend, alter or amend a certificate are established. These include, but are not limited to, failure to initiate service within five years or by the conclusion of the extension periods; failure to operate and perform reasonable service after initiating service; failure of the certificate holder to file an annual report and observe the provisions or conditions of the certificate or tariffs; or failure to maintain the required insurance coverage. After notice and a hearing, the WUTC is required to act within 30 days on its motion or that of an interested party.

The WUTC is authorized to issue temporary certificates for a period of up to 180 days after a finding that issuance of such certificates is necessary due to an immediate and urgent need and is otherwise consistent with the public interest.

### Votes on Final Passage:

House	96	0	
Senate	48	1	(Senate amended)
House			(House refused to concur)

### Conference Committee

Senate	41	0
House	94	0

Effective: July 25, 1993

## HB 1943

C 87 L 93

Allowing community and technical college foundations to manage funds for their exceptional faculty awards.

By Representatives Brumsickle, Jacobsen, Dorn, Quall, Shin, L. Johnson, King and Long.

House Committee on Higher Education  
House Committee on Appropriations  
Senate Committee on Higher Education

**Background:** In 1990, the Washington Community College Exceptional Faculty Awards Program was created. Through the program, \$25,000 to \$100,000, in \$25,000 increments, in state funds may be matched with an equal amount of private donations. The state funds and private donations are placed in a local endowment fund established by the participating community or technical college for each faculty award created.

Each college is responsible for managing its program, collecting donations, managing and investing endowment funds, and reporting on the program upon request. The principal of the endowment fund cannot be invaded. The earnings on the fund will be used to fund the awards.

The awards may be used either for faculty development, to supplement the salary of the holder of the award, or to pay expenses associated with the holder's program area. The process for determining local award winners is subject to collective bargaining, but the decisions regarding award amounts and recipients is not bargainable.

**Summary:** Within specified limits, foundations established by community and technical colleges may participate in the Washington Community and Technical College Exceptional Faculty Awards Program. College foundations may receive state matching money. The foundation will combine state matching money with private donations in a local endowment fund established for each faculty award. The foundation cannot invade the principal of the fund. The earnings on the endowment fund will be used to fund the faculty awards. All faculty awards will remain the property of the college associated with the foundation.

Foundations are defined as private nonprofit corporations that meet the requirements of federal law and exist solely for the benefit of one or more colleges. Foundations must be registered with the Attorney General's Office under the Charitable Trust Act.

Each participating foundation must enter into a contract approved by the attorney general, with the governing board of its college specifying the services to be provided by the foundation. The contract must ensure that, under certain circumstances, the college can assume ownership, management, and control of any endowment funds under a foundation's control.

The assumption of the endowment funds by the community college will occur if a foundation ceases to exist or function properly, or if it fails to provide the services specified in the contract. Any funds recovered by a college will be deposited in the college's local endowment fund. Endowment funds include private donations, state matching funds, and accrued interest on any of the money.

### Votes on Final Passage:

House	98	0
Senate	46	0

Effective: July 25, 1993

**SHB 1948**

C 261 L 93

Modifying provisions regarding the state commission on Hispanic affairs.

By House Committee on State Government (originally sponsored by Representatives Bray, Ludwig, Rayburn and Grant).

House Committee on State Government  
Senate Committee on Government Operations

**Background:** In 1971, the Legislature established the Mexican-American Affairs Commission to address the unique problems of Mexican-American and Spanish speaking populations. In 1987, the Legislature changed the name of the commission to the Hispanic Affairs Commission, membership was diversified to include Hispanics who are not of Mexican-American origin, and provisions were added to sunset the commission in 1997.

The commission is currently directed to: advise state agencies on actions to be taken to assure that state programs are providing the assistance needed by Hispanics; advise state agencies on the development and implementation of policies, plans, and programs focusing on the special problems and needs of Hispanics; and receive technical assistance from an interagency advisory council on Hispanic affairs.

The commission includes 11 members of Hispanic origin as follows: (1) two agricultural workers; (2) three Hispanics not of Mexican-American origin; (3) one member from the field of education; (4) one member who is a business, governmental, or public service professional; (5) one trade union official; (6) and three members of the Mexican-American community.

**Summary:** Appointments to the Hispanic Affairs Commission will be made to achieve a balanced representation based on population distribution, geographic considerations, sex, age, and occupation. Specific national origin and occupational membership categories are repealed. No member will serve more than two consecutive terms.

The executive director of the commission will be appointed by, and serve at the pleasure of, the governor. The executive director will appoint staff. The commission will make recommendations to the governor on the appointment of the executive director.

The duties of the Hispanic Affairs Commission are expanded to include: making recommendations to the governor and state agencies on needed changes in laws and policies; advising the Legislature; establishing relationships with the private sector and local governments to promote equal opportunity; and receiving and spending gifts, grants, and endowments. The interagency advisory council is repealed.

The sunset date for the commission is changed from 1997 to 2021.

**Votes on Final Passage:**

House	98	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 25, 1993

**HB 1956**

C 10 L 93

Requiring computerized collection of health insurance coverage provided by certain state entities.

By Representatives Cothem, Locke, Wolfe and Springer; by request of Department of Social and Health Services.

House Committee on Health Care  
House Committee on Appropriations  
Senate Committee on Health & Human Services

**Background:** Presently, about 11 percent of the 500,000 recipients of medical assistance have some form of third-party health coverage. "Medical assistance" is provided through the Medical Assistance Administration (MAA) of the Department of Social and Health Services (DSHS), and includes Medicaid, refugee assistance, children's health programs, medical services for the General Assistance (GAU) and Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) recipients, and the Medically Indigent Program. Federal law requires the Medical Assistance Administration to be the payer of last resort, thus all other insurance resources must be used before MAA can reimburse for coverage. DSHS considers the current methods of third-party coverage identification, such as client interview, target mailing, and Employment Security matching to be inefficient.

HB 1956 is proposed by DSHS to improve the identification process. It is estimated to save \$3.1 million (general fund-state) for the 1993-95 Biennium.

**Summary:** The Medical Assistance Administration is required to provide computerized information to private insurers regarding client eligibility and coverage information. Private insurers are required to use this information to identify joint MAA/private insurance beneficiaries and report to the MAA. MAA will use this information to improve accuracy of health insurance coverage data and promote improved coordination of benefits.

MAA and affected private insurers are required to develop the necessary data elements and standards for a compatible database on insurance coverage.

The information shall be up-dated at least semi-annually and is protected against inappropriate release.

MAA is required to target those private insurers with a high probability of joint beneficiaries.

**Votes on Final Passage:**

House	98	0
Senate	39	0

**Effective:** July 25, 1993

ESHB 1966

C 415 L 93

Implementing juvenile justice racial disproportionality study recommendations.

By House Committee on Human Services (originally sponsored by Representatives Wineberry, Leonard, Appelwick, Foreman, Riley, Cooke, H. Myers, Lemmon, Basich, Kessler, Holm, J. Kohl and Anderson).

House Committee on Human Services  
House Committee on Appropriations  
Senate Committee on Law & Justice  
Senate Committee on Ways & Means

**Background:** In the 1991 legislative session, the Legislature provided funding to study racial disproportionality in the juvenile justice system. The study was presented to the Legislature in January 1993. The study found that youth of color are less likely than white youth to be arrested but more likely to be: referred to juvenile court, detained, not diverted, prosecuted, adjudicated, sentenced to confinement, and confined. Of all youth of color, African American youth are the most likely to be referred to court, detained, not diverted, prosecuted, adjudicated guilty, sentenced to confinement, and confined.

**Summary:** The administrator for the courts will develop a plan to improve data collection on juvenile offenders and submit the plan to the Office of Financial Management by September 15, 1993. The administrator for the courts and the Criminal Justice Training Commission will prepare a curriculum related to ethnic and cultural diversity which will be available by October 1, 1993. The administrator for the courts will prepare information describing juvenile laws and court procedures and make it available in language understood by all citizens. Juvenile court administrators will obtain interpreters for all non-English speaking juveniles. Consolidated juvenile services funding to counties is conditioned on the county establishing detention standards. The administrator for the courts will convene a work group to develop standards and guidelines for the prosecution of juvenile offenders, review any racial disproportionality in diversion and review any racial disproportionality in the use of detention. The Juvenile Disposition Standards Commission will review current and proposed sentencing standards and guidelines for potential adverse impacts on racial and ethnic minority youth. The implementation of the legislation is subject to the availability of funds.

**Votes on Final Passage:**

House 87 8  
Senate 45 1 (Senate amended)  
House 87 6 (House concurred)

Effective: July 25, 1993

SHB 1969

C 7 L 93 E1

Creating the "Washington serves" voluntary service program.

By House Committee on Trade, Economic Development & Housing (originally sponsored by Representatives Wang, Locke, Silver, Wineberry, Sommers, Forner, Kremen, Jones, Springer, Patterson, Ogden and J. Kohl).

House Committee on Trade, Economic Development & Housing  
House Committee on Appropriations  
Senate Committee on Government Operations

**Background:** The Washington Service Corps Program was created by the Legislature in 1983. The purpose of the program is to provide service opportunities and meaningful work experience to young adults between the ages of 18 and 25. The Department of Employment Security (DES) is responsible for the administration of the program.

However, budget constraints on governmental and non-profit organizations have led to a reduction of program services at a time of increased demand. Many of these organizations could use volunteers on a full-time basis. The use of volunteers would allow the organizations to continue to deliver needed services while giving volunteers a meaningful work experience as well.

**Summary:** The Washington Serves Program is created to provide full-time community service opportunities to people over the age of 21. DES is to coordinate the program with all other federal or state funded volunteer service programs to maximize benefits to the volunteers and the community.

DES may recruit, train, place, and evaluate applicants wanting to participate in the program. DES is authorized to enter into agreements or contracts with governmental or nonprofit organizations wanting a placement of a volunteer.

An applicant to the Washington Serves Program must: be a Washington resident; agree to serve for a period of one year, but may serve for a period of less than one year if approved by DES; and be committed to providing full-time service to the community. Volunteers may reapply to serve for an additional period not to exceed two years.

Program applicants may be placed with any public or private nonprofit organization, program, or project that qualifies under the program. The applicants must work on projects that benefit the community or state at large. Eligible projects include those that address jobless or homeless persons, provide support to persons in need of job training or retraining, address health care problems of low-income persons, address alcohol and drug abuse problems, or seek to enhance or improve the environment.

Volunteers are provided the following benefits for participation in the program: (1) a monthly subsistence allowance as determined by DES, taking into consideration

occur subsequent to the levy election. Common practice is to ask voters to approve a rate that permits districts room to collect revenues reflecting the levy base in place in the year of actual tax collection. To the extent the rate approved exceeds the rate permitted for actual tax collection under the levy lids, the district cannot collect excess revenues. This is termed a "rollback" of voter authorized levies.

**Summary:** The levy lid is modified for calendar years 1994 and 1995 to allow collection of voter approved levy revenues by 4 percentage points above current statutory limits. The current maximum for payments of levy equalization of a 10 percent state average is increased to 12 percent. Payments for levy equalization may be prorated if sufficient funds are not provided in the appropriations act to fully fund the 12 percent entitlement. The payment schedule for levy equalization is modified to require 72 percent of annual payments to occur by the end of August.

**Votes on Final Passage:**

House	89	9	
Senate	33	15	(Senate amended)
House	87	10	(House concurred)

**Effective:** July 25, 1993

**ESHB 2067**

C 394 L 93

Encouraging commute trip reduction programs.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Wolfe, Anderson, Schmidt, Locke, Pruitt, Kremen, Springer and Eide; by request of Department of General Administration).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** The commute trip reduction law requires state agencies to reduce the number of their employees traveling by single-occupancy vehicle to their work sites. The Legislature has required an interagency task force to recommend policies that would encourage state employees to walk, bike or use any one of several ride-sharing alternatives for their daily commute.

**Summary:** State employees may use state-owned or leased vehicles for ride sharing as part of the commute trip reduction program required by the state Clean Air Act.

All money collected from rental or parking spaces at state-owned or leased property must be deposited in the State Capitol Vehicle Parking Account. Money deposited in the account must first be used for pledged purposes. The unpledged portion of the money may be used to operate state-owned and leased parking facilities, support commute trip reduction programs related to the state Clean Air Act, and pay for the lease of and capital investment in state parking facilities. The Office of Financial Management will distribute funds from the account after considering the

recommendations of the director of General Administration and the Interagency Task Force for Commute Trip Reduction.

State agencies may use public funds for programs that encourage employees to use carpools, vanpools and public transit.

Parking fees may not exceed the local market rate of comparable privately owned rental parking.

The department must create a regional committee consisting of representatives from state agencies, state employees and state employee bargaining units to advise the director of general administration on parking rental fee rates. In the event that parking rental fees for state-owned or leased property become part of a collective bargaining agreement and there is a conflict between the agency and the collective bargaining unit, the collective bargaining agreement prevails.

All state higher education institutions are exempt from the requirement of this bill.

**Votes on Final Passage:**

House	92	5	
Senate	44	0	(Senate amended)
House			(House refused to concur)

**Conference Committee**

Senate	38	5
House	93	1

**Effective:** July 25, 1993

**HB 2069**

C 145 L 93

Allowing institutions of higher education to cash student's and employee's checks.

By Representatives Mielke and Zellinsky.

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

**Background:** State colleges and universities have limited ability to cash student and employee checks.

**Summary:** Any institution of higher education may, at its option and after the approval of the governing board, cash payroll checks, expense checks, financial aid checks, or personal checks for students and employees.

If a check is cashed and remains unpaid, the college or university may place a hold on a student's enrollment and transcripts until payment of the check and reasonable collection fees and costs is made. In the case of employees, a college or university may withhold from the next payroll or expense check of the employee, the amount of the unpaid check plus a collection fee.

**Votes on Final Passage:**

House	94	2
Senate	47	0

**Effective:** July 25, 1993



SHB 2070

C 466 L 93

Modifying financial responsibility for juvenile offenders.

By House Committee on Human Services (originally sponsored by Representatives Patterson, Leonard, Brough, Shin and Karahalios).

House Committee on Human Services  
House Committee on Appropriations

**Background:** Parents of juvenile offenders committed to the Department of Social and Health Services are not financially responsible for the care and treatment of their children.

**Summary:** Parents of juvenile offenders committed to the Department of Social and Health Services are financially responsible for their children and will pay for their children's care based on their ability to pay. Parents who receive, or are eligible to receive, adoption support payments are not required to contribute to the cost of housing and serving their adopted child.

**Votes on Final Passage:**

House	93	2	
Senate	31	14	(Senate amended)
House	95	2	(House concurred)

**Effective:** July 25, 1993

ESHB 2071

C 507 L 93

Regulating access to tobacco.

By House Committee on Health Care (originally sponsored by Representatives L. Johnson, Dellwo, Quall, Campbell and Karahalios).

House Committee on Health Care  
House Committee on Revenue  
Senate Committee on Health & Human Services

**Background:** In the 1992 State Health Report, the State Board of Health concluded that:

"The vast majority of smokers, some 75 percent, become addicted to tobacco in their teens. For tobacco prevention and education activities to be effective, they need to be targeted at youthful populations. Since smoking and use of other tobacco products containing nicotine are addictive, it is easier to reduce prevalence of tobacco use by preventing people from starting than by getting them to stop.

A young person's decision to start or not to start using tobacco products is not made in isolation. Factors influencing such decisions include: level of societal acceptance; prevalence with which peers or role models are using; price and ease with which tobacco products can be purchased; and extent to which tobacco products are adver-

tised and promoted, especially at sporting events and other events frequented by young people.

A 1990 survey conducted in Washington public schools showed that 11 percent of 6th graders had tried smoking, and 1.4 percent were already regular smokers. Smoking experimentation and prevalence gradually increases by grade level, with over 50 percent of 12th graders having tried smoking and over 24 percent being regular smokers by time of high school completion.

Health professionals believe that the tobacco industry specifically targets advertising at younger populations. Research shows that the younger individuals are when they start smoking, the more cigarettes per day they are likely to smoke as adults."

At the federal level, Congress passed the "Synar Amendment" to the Prevention and Treatment of Substance Abuse Block Grant Act to address minors' access to tobacco. The amendment requires that "states receiving block grant money have in effect a law providing that it is unlawful for any manufacturer, retailer, or distributor of tobacco products to sell or distribute any such product to any individual under the age of 18," and that "the state involved will enforce the law in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 18. Failure to comply with these federal laws beginning October 1993 will result in the reduction of a state's block grant of 10 percent each year for four years.

ESHB 2071 is the combined effort of the Department of Health, Department of Social and Health Services, and the Board of Health to comply with the Synar Amendment.

**Summary:** The Liquor Control Board is empowered with the responsibility to implement this act.

Cigarette wholesalers and retailers are required to display their license to sell cigarettes and a sign concerning the prohibition of tobacco sales to minors. The sign, which shall be provided free of charge by the Liquor Control Board, shall be clearly visible to a person purchasing tobacco products and shall read: "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE 18 IS STRICTLY PROHIBITED BY STATE LAW. IF YOU ARE UNDER 18, YOU COULD BE PENALIZED FOR PURCHASING A TOBACCO PRODUCT; PHOTO ID REQUIRED." Purchasers of tobacco may be required to show proof of age.

The sale of tobacco products is prohibited through vending machines unless the device is located in a premises from which minors are prohibited, or in industrial work places where minors are not employed. The machine must be not less than 10 feet from all entrances or exits.

The sale of tobacco products not in the original unopened package or not in a container with the appropriate stamp is prohibited. This provision does not apply to the sale of loose leaf tobacco by a retail business that generates a minimum of 60 percent of gross annual sales from the sale of tobacco products.

Distribution of free samples of tobacco is restricted.

The distribution of tobacco products to a person at a reduced price by a coupon is prohibited unless the coupon is redeemed in a manner that requires an in-person transaction between a buyer and seller.

The youth tobacco prevention account is established for the deposit of retailers' license fees. The Department of Health, within 70 percent of available funds in the account, shall provide grants to local health departments to develop and implement strategies to prevent and reduce tobacco use by youth. Up to 30 percent of available funds may be used for enforcement activities by the Liquor Control Board.

Penalties are prescribed for minors, retailers and their employees for violation of this act.

The Liquor Control Board may issue cease and desist orders and seek injunctive relief to enforce this act. Orders may be appealed pursuant to the Administrative Procedures Act.

A cigarette retailer's license fee is raised from \$10 to \$93, with a separate license required for each place of business. Vending machine fees are raised from \$1 to \$30.

Political subdivisions are preempted from imposing certain regulations and fees on retailers.

**Votes on Final Passage:**

House	97	0	
Senate	42	3	(Senate amended)
House	97	1	(House concurred)

Effective: July 25, 1993

**HB 2073**

C 151 L 93

Modifying eligibility requirements for the nonprofit homes for the aging property tax exemption.

By Representative Wang.

House Committee on Revenue

Senate Committee on Health & Human Services

**Background:** Nonprofit homes for the aging are residential housing facilities for persons at least 62 years of age. These nonprofit homes are eligible for a property tax exemption. Some nonprofit homes for the aging receive a full exemption and others receive a partial exemption. The exemption amount is determined by a two part formula.

The first part of the formula fully exempts nonprofit homes for the aging that are subsidized under a Federal Housing and Urban Development program (HUD). It also fully exempts nonprofit homes with at least 50 percent of the occupied dwelling units occupied by households with disposable incomes below \$22,000.

The second part of the formula provides a partial property tax exemption for the homes that do not qualify for a full exemption. The percent of the property that is exempt is equal to twice the percentage of dwelling units occupied by persons with disposable incomes below \$22,000.

There are 147 nonprofit homes for the aging in Washington. Of these homes, 93 are fully exempt as HUD facilities and 31 others are fully exempt because they have 50 percent of the residents with disposable incomes below \$22,000. The remaining 25 are partially exempt. The partial exemptions for this group ranges from 25 percent to 96 percent with an average of 63 percent.

A 1992 law directed the Department of Revenue to conduct a study of the property tax exemption for nonprofit homes for the aging. The study was conducted with the assistance of a study committee composed of residents and managers of nonprofit homes for the aging, representatives of senior citizen advocacy organizations not associated with nonprofit homes for the aging, the county assessors, city officials, and county officials.

**Summary:** The study committee recommendations are implemented. Nonprofit homes for the aging financed with tax-exempt bonds requiring low income set asides are exempt from property tax.

The \$22,000 income threshold is increased to the greater of \$22,000 or 80 percent of county median income adjusted for family size.

Only the proportion of residents with incomes below the income threshold, rather than twice the proportion of residents with incomes below the income threshold is used when determining the partial exemption amount.

Housing units in which residents receive significant assistance with the activities of daily living are exempt.

The personal property of a nonprofit home for the aging is exempt from property tax.

Any increase in assessed value due to changes in the exemption amount by this bill are phased-in over three years.

**Votes on Final Passage:**

House	97	1
Senate	46	0

Effective: July 25, 1993

**SHB 2098**

**PARTIAL VETO**

C 508 L 93

Enhancing community options long-term care program.

By House Committee on Health Care (originally sponsored by Representative Valle; by request of Department of Social and Health Services).

House Committee on Health Care

House Committee on Appropriations

**Background:**

**THE NEED:**

The number of Washingtonians who need long-term care is growing dramatically. More than 200,000 people in this state have chronic physical or mental disabilities that

prevent them from managing the basic tasks of daily life. By the year 2010, the number will grow by more than 50 percent - almost twice as fast as the state's total population. During the same 20-year period, the segment of the population estimated to need the most long-term care services, the population over the age of 85, is expected to more than double. All these people will need some form of long-term care and, as was noted in the Long-Term Care Commission's report, "consumers want a long-term care system that provides an array of services which are flexible and specialized enough to respond to the individual consumer needs."

#### THE LONG-TERM CARE SYSTEM:

While the number of persons served by in-home and community-based programs grew dramatically over the past 10 years, the majority of state expenditures were for formal institutional care in nursing homes. Consequently, although in-home and community residential services have absorbed most of the growth in caseloads over the past decade, they have received a relatively small share of the total growth in expenditures.

In Washington, the primary alternative for a disabled person who is no longer able to remain in his or her own home is placement in a nursing home, particularly if the person must depend upon public financial assistance for his or her cost of care. The shortage of community residential alternatives has a number of consequences. The most common is that people continue to live with their families long after the family is able to meet the person's health and personal care needs. Often in this situation, the disabled person becomes more disabled, resulting in unwanted and inappropriate placement into a nursing home.

#### NURSING HOMES:

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 home care is provided by 307 private facilities, containing approximately 31,000 beds. The average age of residents is 86. The average age at admission is 82 and the average length of stay is 723 days. Nursing homes receive reimbursement for services from three major sources: private payment, Medicaid, and Medicare. The majority - two-thirds of patient days - of nursing home reimbursement is provided by Medicaid. All nursing homes licensed in the state of Washington that receive Medicaid or Medicare reimbursement are required to comply with both federal and state regulations.

#### ASSISTED LIVING PILOT PROGRAM:

In the 1991-93 Biennium, the Legislature established an assisted living pilot program consisting of 180 assisted living units statewide — 45 of these units are already in place at Heritage House at the Pike Place Market in Seattle. Assisted living is a housing alternative based on the concept of providing professionally delivered nursing services and personal care in an apartment-like environment. Services are provided in a way that is noninstitutional-like

and strives to keep the individual independent for as long as possible.

The living units consist of personally furnished private apartments, capable of accommodating a couple, and contain a bathroom, refrigerator and cooking capacity. A minimum of 220 feet is required for the unit and it must be able to accommodate a wheelchair. The residents must also have access to common activity, eating, and laundry areas.

Licensed staff is available eight hours a day and 24 hours a day on call to assist clients in the program with personal care, health and medical-related services. Ancillary services such as assistance with cosmetology, banking, and transportation are also available.

Clients in the Assisted Living Program must be eligible for COPES or title XIX Medicaid.

Assisted living contractors are reimbursed at the rate of \$47.37 per day per client for providing this living arrangement and are regulated under existing boarding home regulations. There are no specific regulations governing assisted living facilities.

#### CERTIFICATE OF NEED FOR NURSING HOMES:

The Department of Health is responsible for administering the Certificate of Need Program for a range of health and residential care facilities, including nursing homes and boarding homes. The purpose of the Certificate of Need Program is to assure the construction and development of only those new health facilities and services which promote appropriate access to needed care at a reasonable cost with high quality. The certification process covers the sale, purchase, or lease of all or part of a hospital or nursing home.

The statewide need for nursing home beds is set at 45 beds per 1,000 persons over the age of 65. The number of nursing home beds licensed in 1993 is 51 per 1,000. The process for bed allocation permits the license for nursing home beds to be moved from one location that has too many beds to an area that needs more nursing home beds. Nursing homes may now sell or buy nursing home beds on the "open market" without losing the rights to those beds. In addition, nursing home beds can be sold if the revocation of a facility's license is pending.

#### BOARDING HOME REGULATION:

Boarding homes provide residential care to a range of clients who are private pay or participants in programs funded through the Department of Social and Health Services. Boarding homes provide a lower level of medical care than nursing homes. The Department of Health is currently responsible for measuring the quality of care through compliance with statutes and administrative rules. The Department of Health provides annual on-site inspections, construction reviews of new facilities and complaint investigations.

#### CHILDREN'S LONG-TERM CARE SERVICES:

Children's long-term care services are administered within the Department of Social and Health Services; how-

ever, an exact projection of needs and services has not been recently conducted.

**Summary:**

**NEW LONG-TERM CARE SERVICE - ASSISTED LIVING:**

A previously piloted long-term residential care option is established under boarding home regulations called "assisted living." The Department of Social and Health Services is given the authority to contract with licensed boarding homes to provide this new type of residential care and to develop and administer rules for the program. Assisted living care is required to include, at a minimum: personal care, nursing services, medication administration, and supportive services. Preference for assisted living residential care is given to clients most at risk of hospitalization, admission into a nursing home, or other out-of-home placement as a result of their functional disability.

**VOLUNTARY REDUCTIONS OF NURSING HOME BEDS THROUGH CONVERSION:**

Nursing homes are allowed to reduce the number of licensed beds by converting part or all of the beds to boarding home licensed assisted living units, adult day care, adult day health, respite care, hospice, or senior wellness clinics. Nursing homes that elect to convert some or all of their licensed nursing home beds to boarding home assisted living beds may retain the nursing home licensed beds in a "reserve" for the purpose of converting the beds back to nursing home beds. Those nursing homes that choose to convert their beds have four years before the boarding home assisted living beds must either be reconverted back to licensed nursing home beds or remain as boarding home assisted living beds. Only those nursing homes that have been in continuous operation and have not been purchased or leased may qualify to hold their licensed nursing home beds in "reserve." Provisions are established for converting beds held in reserve back to nursing home beds.

**REDUCTION OF NURSING HOME BEDS THROUGH CERTIFICATION MODIFICATIONS:**

The process for determining certificates of need for new or replacement nursing home beds is modified to require the Department of Health to take into consideration the availability of: (1) other nursing home beds in the area, and (2) the availability of non-nursing home alternative services in the community, with the assistance of the Department of Social and Health Services. No new nursing home beds may be built and licensed before these two conditions are assessed. Nursing homes that choose to replace an existing facility with a new one will not be required to justify the need in the community for the nursing home beds if the nursing home has operated in the same nursing home and in the same area for more than one year. Nursing homes that close are allowed to retain the beds and sell them, if they choose, for up to eight years after the nursing home closes.

**CHILDREN AND LONG-TERM CARE SERVICES:**

The secretary of the Department of Social and Health Services is required to accomplish the following:

- Consult with relevant qualified professionals to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted at-home or out-of-home support system and who are likely to need long-term care or assistance due to physical, emotional, medical, mental, or other long-term challenges;
- Develop, by January 1, 1995, children's long-term care programs that address the educational, physical, emotional, mental, and medical needs of children under long-term care;
- Conduct an evaluation of all children within the foster care agency caseload to identify those children in need of long-term care services as defined in the act;
- Study and develop a comprehensive plan for the evaluation and identification of all children and youth in need of long-term care or assistance including the mentally ill, developmentally disabled, medically fragile, seriously, emotionally or behaviorally disabled, and physically impaired;
- Study and develop a plan for the children and youth in need of long-term care or assistance to ensure the coordination of services;
- Study and develop guidelines for transitional services between long-term care programs;
- Study and develop a statutory proposal for the emancipation of minors and report the findings and recommendations to the Legislature by January 1, 1994; and
- Develop a plan by July 1, 1994 that will establish the size of each residential habilitation center by July 1, 2001.

**Votes on Final Passage:**

House	95	0	
Senate	37	7	(Senate amended)
House	98	0	(House concurred)

**Effective:** May 18, 1993

**Partial Veto Summary:** The veto eliminates the requirement that the Department of Social and Health Services develop a plan that addresses the size and quality of care of each Residential Habitation Center serving the developmentally disabled.

**VETO MESSAGE ON SHB 2098**

*May 18, 1993*

*To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen:*

*I am returning herewith, without my approval, as to section 8,  
Substitute House Bill No. 2098, entitled:*

*"AN ACT Relating to options in long-term care;"*

*Section 8 of this legislation directs the Department of Social and Health Services to develop a plan by July 1, 1994, which addresses the size of each Residential Habilitation Center serving the developmentally disabled. The plan must specify the criteria for admission to or continued residence in each facility, an esti-*

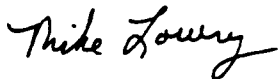
## EHB 2111

mate of the number of clients meeting public health or specialized services criteria who are expected to require admission or continued residence, a review of the service needs of each client currently residing in the facilities, and the development of the community needs for clients not meeting the admission criteria. The department must also propose uses for excess buildings and grounds in a manner benefiting the developmentally disabled and develop retraining or reemployment options for displaced state employees.

This directive creates a substantial burden on the department and would involve a level of evaluation whose fiscal requirement is beyond that which could be absorbed. Additionally, the study would duplicate existing evaluations of similar scope. Instead, I am directing the Department of Social and Health Services to review the service needs of the Residential Habilitation Center clients as part of the institutions' restructuring in the 1993-95 biennium.

With the exception of section 8, Substitute House Bill No. 2098 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

### **EHB 2111** **FULL VETO**

Adopting the supplemental transportation budget.

By Representative R. Fisher; by request of Office of Financial Management.

House Committee on Transportation

**Background:** The Board of Pilotage Commissioners (BPC) has two lawsuits pending relating to the setting of tariffs and pilot discipline. Although the board is funded by pilot license fees, additional appropriation authority is required in order to make payments on the lawsuits.

The Washington State Patrol (WSP) requested additional appropriation authority to provide for the settlement arising from WSP cadet overtime litigation.

The Department of Licensing (DOL) has been found to be out of compliance with certain Department of Revenue requirements. Back sales taxes are owed on the contract awarded to Polaroid for driver license photographs.

The DOL was required by the 1992 Legislature (ESHB 2964) to develop a system for specifically registering rental vehicles, but no appropriation authority was provided.

The Department of Transportation (DOT) requested additional appropriation authority (1) to pay for damages to the State Route 520 floating bridge and for enhanced maintenance of the bridge; (2) for additional snow and ice removal costs incurred; (3) for additional costs incurred at rest areas; and (4) for accelerated road repair work.

Current appropriations to the maintenance, administrative and planning programs of the DOT were reduced by the Office of Financial Management to force the depart-

ment to absorb additional charges made to the DOT by other agencies.

**Summary:** An additional appropriation authority of \$17,000 is provided to the BPC for settlement of pending litigation.

For sales tax owed on the Polaroid contract \$149,000 is provided to DOL; and \$394,500 is provided for the system changes required to register rental cars as a unique class of vehicles.

To fund the increased snow and ice requirements of the DOT \$3.8 million is provided.

#### **Votes on Final Passage:**

House	98	0
Senate	47	0

#### **VETO MESSAGE ON EHB 2111**

May 18, 1993

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval Engrossed House Bill No. 2111 entitled:

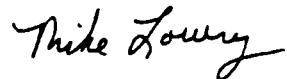
"AN ACT Relating to transportation appropriations;"

This is the 1991-93 supplemental budget for the Board of Pilotage Commissioners, the Department of Licensing and the Department of Transportation. I support the additional appropriation provided in the legislation. However, the bill does not contain an emergency clause. This is an inadvertent technical error which would mean the bill will not become effective for 90 days from the end of the Legislative session. The 1991-93 biennium will be over at that point, making this bill meaningless.

Appropriation increases matching this bill have been included in Second Engrossed Substitute Senate Bill No. 5972, the 1993-95 Transportation Budget, which includes an emergency clause and effective dates that allow the expenditures in the current Biennium.

For these reasons, I have vetoed Engrossed House Bill No. 2111 in its entirety.

Respectfully Submitted,



Mike Lowry  
Governor

### **HB 2114** **C 8 L 93 E1**

Crediting earnings on balances of certain treasury accounts.

By Representative G. Fisher; by request of Office of Financial Management.

House Committee on Revenue

**Background:** The State Treasurer's Office manages over 300 funds and accounts.

Before 1991, the disposition of interest income earned by these funds and accounts varied considerably. The ma-



majority retained 80 percent of their interest earnings and paid 20 percent to the general fund-state. Some kept all of their interest earnings, while the rest retained no interest earnings.

The distribution of interest earnings was changed by legislation in 1991 so that interest earnings from the majority of funds and accounts are deposited in the general fund-state. Generally, the only accounts to retain their interest earnings are those accounts the revenues of which are:

- (1) required by contract to be spent for a specific purpose;
- (2) derived from trust lands originally granted at statehood;
- (3) collected by the state and are then distributed to local governments;
- (4) derived from state employee contributions to retirement and workers' compensation programs; and
- (5) related to transportation projects.

This legislation added an estimated \$62 million in revenue to the general fund.

**Summary:** All interest earned on the money in the following transportation accounts, and not just 20 percent, will accrue to the state general fund: The Central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the special category C account, the State Patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation improvement account, the urban arterial trust account, the advanced right of way revolving fund, the federal narcotics asset forfeitures account, the ferry system account, the ferry system insurance claim reserve account, the ferry system operation and maintenance account, the ferry system revenue account, the ferry system revenue bond account, the high occupancy vehicle account, and the local rail service assistance account.

The motor vehicle fund and the transportation fund will continue to retain 80 percent of their interest earnings.

**Votes on Final Passage:**

House	53	43	
Senate	21	21	(Senate amended)

**First Special Session**

House	51	38
Senate	27	19

**Effective:** July 1, 1993

**HB 2119**

C 278 L 93

Abolishing the state professional athletic commission.

By Representatives Dunshee, Lemmon and Wolfe; by request of Office of Financial Management.

House Committee on Appropriations

**Background:** The Professional Athletic Commission is composed of three members appointed by the governor. The commission regulates professional boxing (sumo, judo, karate, and fisticuffs) and wrestling events in Washington State, including the granting and revocation of licenses.

**Summary:** The Professional Athletic Commission is abolished. Its powers, duties, and functions are transferred to the Department of Licensing (DOL). All records or written material, office property, funds or other assets, and employees of the commission are transferred to DOL. The director of the Office of Financial Management is to resolve any questions relating to apportionments of budget funds arising during the transfer.

The director of the Department of Licensing is given broad authority to administer athletic licensing laws including the ability to issue subpoenas, conduct investigations, suspend licenses, and adopt standards of professional conduct and practice.

**Votes on Final Passage:**

House	94	1
Senate	39	5

**Effective:** July 1, 1993

**EHB 2123**

C 9 L 93 E1

Allowing insurance benefits for graduate service appointments.

By Representatives Jacobsen, Quall and Brumsickle; by request of Office of Financial Management.

House Committee on Appropriations

**Background:** Under state law, some graduate students serving appointments as teaching or research assistants may be subject to the mandatory health insurance coverage available at state expense to state employees. However, another law applicable to higher education institutions prohibits the institutions from providing health insurance benefits to students who do not pay for the insurance.

**Summary:** The law prohibiting higher education institutions from providing health insurance at state expense to students is changed so that the governing boards of the state's four-year college and universities may pay for "health benefits for graduate students holding graduate service appointments, designated as such by the institu-

## HB 2129

tions." The benefits may also be provided to the students' spouses and dependents.

### Votes on Final Passage:

House 96 0

### First Special Session

House 91 0

Senate 37 8 (Senate amended)

House 95 2 (House concurred)

Effective: August 5, 1993

## HB 2129

C 10 L 93 E1

Allowing state agencies to make purchases based on the lowest cost.

By Representatives Mastin, Finkbeiner, Locke, Patterson, Linville, Foreman, Fomer and J. Kohl.

### House Committee on Appropriations

**Background:** The Department of General Administration has the authority to purchase all material, supplies, services, and equipment needed for the support, maintenance and use of all state agencies, institutions of higher education, offices of elected state officials, and the judiciary.

The department operates two purchasing programs: Central Stores and Purchasing and Contract Administration. Central Stores is a catalog sales operation. The department maintains an inventory of supplies and equipment which may be ordered from a catalog by state agencies. The Purchasing and Contract Administration office negotiates contracts for bulk purchases of selected items. State agencies may then purchase items from the specified vendors at the negotiated price.

**Summary:** State agencies are allowed to purchase materials, supplies, services, and equipment directly from vendors when the Department of General Administration is notified that the items may be purchased at lower cost than through the department.

The department is directed to develop a standard notification form for use by state agencies notifying the department of purchases made directly from vendors. The form is to include at least the price of the items from each source, the savings achieved by purchasing directly from a vendor, and the signature of the notifying agency's director or the director's designee.

The department is to forward these notification forms to the Office of Financial Management and prepare a report on the first fiscal year of purchasing activity authorized by the bill.

### Votes on Final Passage:

### First Special Session

House 92 0

Senate 42 0

Effective: August 5, 1993

## HB 2130

C 264 L 93

Modifying requirements for the acquired human immunodeficiency syndrome insurance program.

By Representatives Locke, Dellwo and Miller; by request of Department of Social and Health Services.

### House Committee on Appropriations

**Background:** Federal legislation guarantees employees and dependents with health insurance coverage through employers the right to continue that coverage at their own expense. This "continuation" coverage typically occurs after a resignation, layoff, or divorce would otherwise end the health benefit.

In 1989, the Legislature established a program to pay health insurance "continuation" premiums for individuals with class IV human immunodeficiency virus infection. The program is intended to assist low-income individuals. Prior to the program, many individuals were compelled to exhaust their remaining assets to become eligible for the Department of Social and Health Services Medical Assistance Program.

The statute prohibits new admissions to the program after June 30, 1991. Individuals in the program on that date may continue in the program.

**Summary:** References to "class IV human immunodeficiency virus" are changed to "acquired human immunodeficiency syndrome" to be consistent with Centers for Disease Control definitions. The statutory restriction on new admissions to the Acquired Human Immunodeficiency Syndrome Insurance Program is removed.

### Votes on Final Passage:

House 95 1

Senate 41 3

Effective: July 25, 1993

## EHJM 4000

Honoring Homer M. Hadley.

By Representatives Locke, R. Fisher, Horn, Anderson, Wineberry, Ballasiotes, Thibaudeau, Eide, Flemming, Jacobsen and Ogden.

### House Committee on Transportation

### Senate Committee on Transportation

**Background:** In the early 1900s when discussion began about bridging Lake Washington from Seattle to Mercer Island, bridge designers faced immense technological and financial challenges. Homer M. Hadley, a local civil engineer, conceived the idea of attaching concrete barges end to end to form a bridge, and pursued his idea by mapping out a location for a bridge.

In the face of opposition from residents, the Navy and the Seattle press, Hadley completed his design of the bridge he dreamed of personally constructing with private financing. However, when private financing did not materialize, and upon learning that the state was developing its own proposal to bridge Lake Washington, Mr. Hadley shared his proposal with Lacey V. Murrow, then director of the state Department of Highways. The state concluded that Hadley's proposal was not only the most practical but also solved every technological dilemma.

Mr. Hadley was also responsible for numerous other Washington bridge designs known for their sculptural simplicity, attractiveness and maximum strength.

On July 2, 1940, the world's first concrete floating bridge, named the Lacey V. Murrow Memorial Floating Bridge, was opened to the public amidst great fanfare but without any recognition of Homer M. Hadley, its conceptualist.

The companion span to the Lacey V. Murrow Memorial Floating Bridge, which opened in 1989 and is commonly referred to as the Third Lake Washington Floating Bridge, is presently unnamed. The naming of bridges and highways is the prerogative of the State Transportation Commission. Many people feel naming the new bridge in honor of Homer M. Hadley would be a fitting tribute to his dedicated and steadfast effort in bridging Lake Washington.

**Summary:** The State Transportation Commission is directed to begin proceedings to designate the Third Lake Washington Floating Bridge as the Homer M. Hadley Memorial Floating Bridge.

**Votes on Final Passage:**

House	96	0
Senate	46	0

### EHJM 4001

Requesting a Northwest forest summit.

By Representatives Kessler, Jones, Riley, Basich, Kremen, R. Meyers, Sheldon, Holm, Johanson, Finkbeiner, Campbell, Linville, Jacobsen, Quall, Chappell, Rayburn, Leonard, Fuhrman, Cothorn, Long, Brumsickle, Thibaudeau, Springer, Miller, Morton, Wood, Ogden, Morris and Locke.

House Committee on Natural Resources & Parks

**Background:** During the 1992 Presidential election campaign, then-candidate Bill Clinton proposed holding a "forest summit" in the Pacific Northwest as a way to obtain long-term solutions to the ongoing conflicts between fish and wildlife protection and timber harvesting.

**Summary:** The President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Senate and House are requested to pursue, with all due speed, the holding of a Northwest forest summit, with the overall goal of seeking long-term solutions to conflicts be-

tween fish and wildlife protection and timber harvesting. Furthermore, they are requested to solicit the opinions of Washington State officials in making important decisions about the conduct of the summit, to adopt specified guiding principles for the conducting of the summit, and to include specified subjects in the summit.

**Votes on Final Passage:**

House	98	0
Senate	48	0

### EHJM 4003

Concerning the preservation of salmon.

By Representatives Mastin, Rayburn, Lisk, Sheahan, Grant, Bray, Ludwig, Chandler, Schoesler, Ballard, Foreman, Roland, Edmondson, Lemmon and Hansen.

House Committee on Agriculture & Rural Development  
Senate Committee on Energy & Utilities

**Background:** In December 1991, the federal government listed stocks of Snake River sockeye salmon as being "endangered" under the federal Endangered Species Act. In May 1992, Snake River spring/summer and fall chinook were listed as being "threatened" under the act.

The Northwest Power Planning Council, state and federal agencies, and others have been taking actions to improve fish passage, screening, and other protection facilities in various parts of the Columbia and Snake River basins.

Some proposals for enhancing fish passage involve increasing the water velocities in and near reservoirs. From March 1 through March 31 of last year, the Corps of Engineers conducted a test to examine the effect of reducing reservoir size, or "drawing down" reservoirs, on water velocities and physical structures. The reservoirs behind Lower Granite and Little Goose dams on the lower Snake River were lowered below their minimum operating levels. Navigation through the locks at the dams is precluded at these levels.

**Summary:** The officials charged with developing the region's salmon recovery plan are requested to consider carefully the biological needs of endangered salmon species and, before drawing down reservoirs below minimum operating pools, give the strongest consideration to the economic impact of such drawdowns on the citizens of this state.

**Votes on Final Passage:**

House	97	0
Senate	44	0 (Senate amended)
House	95	2 (House concurred)

## HJM 4005

### HJM 4005

Asking the White House to condemn rape and ethnic cleansing in Bosnia and create a war crimes tribunal.

By Representatives Basich, Linville, Kessler, Riley, Romero, Orr, Brumsickle, Chappell, Leonard, Quall, Jacobsen, Ballard, Dunshee, Miller, Heavey, Sheldon, Anderson, Eide, Bray, Lemmon, G. Cole, Kremen, Vance, Wineberry, Pruitt, Sheahan, Campbell, King, Cothorn, Flemming, Johanson, Padden, Schoesler, J. Kohl and Lisk.

House Committee on State Government  
Senate Committee on Government Operations

**Background:** Various international agreements enacted in this century prohibit the abuse of civilians in wartime. The Hague Convention in 1907 prohibited attacks on undefended civilian targets. The Geneva Conventions of 1929 and 1949 established strict guidelines for the treatment of prisoners of war and civilians caught in war zones. The Genocide Convention of 1951 prohibited acts which are intended to destroy a national, ethnic or religious group. The Genocide Convention also requires that the United Nations (U.N.) take action to stop genocide.

On December 18, 1992, the U.N. Security Council voted unanimously to condemn "atrocities committed against women, particularly Muslim women, in Bosnia and Herzegovina." Various calls have been made for a war crimes tribunal. In response, the U.N. Security Council has created a five member Commission of Experts to investigate war crimes in the Balkans. The last time a similar group was assembled was in 1943 when the Allies began assembling evidence against the Nazis.

**Summary:** The members of the Washington State Senate and the House of Representatives ask President Clinton, the United States Congress, and the members of the United Nations to condemn the ethnic cleansing and rape of women in Bosnia and to create an international war crimes tribunal.

**Votes on Final Passage:**

House	90	0
Senate	42	0

### HJM 4007

Petitioning Congress and the Secretary of Energy to name the Hanford and Lands Ecology Reserve after Richard Fitzner and Les Eberhardt.

By Representatives Bray, Ludwig, Lisk, Grant, Mastin and Rayburn.

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

**Background:** The Hanford Arid Lands Ecology Reserve was established in 1967 as a buffer and control area for studies of the impacts that living in the contaminated areas

of the Hanford Reservation has on native plants and animals. The Ecology Reserve is made up of approximately 120 square miles on the Western border of the site between State Route 240 and Rattlesnake Ridge.

Dr. Les Eberhardt and Dr. Dick Fitzner were research scientists at Battelle. Both spent considerable time conducting wildlife studies on the Hanford Arid Lands Ecology Reserve. Dr. Eberhardt and Dr. Fitzner lost their lives in a plane crash on June 3, 1992.

**Summary:** The House of Representatives and the Senate petition the president, Congress and the secretary of energy to change the name of the Hanford Arid Lands Ecology Reserve to the Fitzner and Eberhardt Arid Lands Reserve.

**Votes on Final Passage:**

House	97	0
Senate	43	0

### HJM 4008

Requesting a full deduction for sales taxes on federal tax returns.

By Representatives Mastin, Campbell, Horn, Pruitt, Kremen and Long.

House Committee on Revenue  
Senate Committee on Ways & Means

**Background:** In 1986, federal tax reform removed the itemized deduction for state and local sales taxes. State and local income taxes and property taxes continued to be allowable itemized deductions.

**Summary:** The members of the Washington State Senate and the House of Representatives memorialize Congress to restore the itemized deduction for sales taxes.

**Votes on Final Passage:**

House	96	1
Senate	44	0

### HJM 4010

Expressing opposition to sanctions on federal highway funds.

By Representatives R. Fisher, Schmidt, Horn, Springer and Jacobsen.

House Committee on Transportation  
Senate Committee on Transportation

**Background:** The 1990 Federal Budget Reconciliation Act contained provisions mandating states to suspend the driver's licenses of individuals convicted of any drug-related offense. The federal mandate carries a penalty of 5 percent of highway construction dollars the first and second year, and increases to 10 percent per year thereafter.

A state has three options. The first option is to take no action, which would lead to withholding penalties. The second option is compliance with the federal mandate by enacting a statute that suspends an individual driver's license for at least six months for any drug conviction. The third option is to use the "nullification clause" provided for in the federal statute by which both houses of the Legislature must pass a resolution, with the governor concurring, that the state chooses not to comply with the federal mandate.

If a state chooses to enact a statute suspending an individual driver's license for any drug conviction, the law must be in effect by October 1, 1993, the start of the federal fiscal year. Regardless of the option chosen by a state, written certification from the governor is due to the United States Department of Transportation (USDOT) by April 1, 1993.

The programs that would be affected by the withholding of federal highway apportionment dollars under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) would be the national highway system, the Surface Transportation Program, interstate completion, and the Interstate 4R Program (resurfacing, restoration, rehabilitation and reconstruction).

The current estimate of withholding penalties is \$13 million to \$18 million per year for Washington state. This dollar estimate would remain approximately constant, even as the penalty increased from 5 percent to 10 percent after two years of noncompliance, because the Interstate Completion Program is close to completion.

**Summary:** This memorial to the secretary of the United States Department of Transportation expresses the Washington State Legislature's opposition to the enactment of a law that requires the revocation of an individual's driver's license for at least six months for any drug conviction.

This memorial, when accompanied by written certification from the governor, will put Washington in compliance with the federal statute's "nullification clause," which provides for an exemption from the requirements of the federal mandate.

**Votes on Final Passage:**

House	92	0
Senate	32	12

## HJM 4013

Petitioning the federal government for coastal economic recovery investment.

By Representatives Kessler, Basich, Riley, Jones, Holm and J. Kohl.

House Committee on Trade, Economic Development & Housing

Senate Committee on Trade, Technology & Economic Development

**Background:** The coastal communities of the state of Washington have been impacted by the loss of timber-related jobs. In 1991, the Legislature provided assistance to timber impacted communities to help mitigate the affects of the loss of employment in the timber industry. The assistance provided to dislocated forest product workers included: enhanced retraining, support services and job search services; extended unemployment compensation; college tuition and fee waivers; extended enrollment in the Washington Basic Health Plan; and rental and mortgage assistance.

In response to continued job loss in the timber industry, the coastal communities have developed the Coast Economic Recovery Program. The goals of the program are to create jobs by utilizing the natural resources of the area, to create a local decision-making organization and establish sources of funding, and to raise the per capita retail and property valuations up to the statewide per capita average in 10 years.

**Summary:** The members of the Washington State Senate and House of Representatives request that President Clinton and the United States Congress fund the following elements of the Coastal Economic Recovery Plan: (1) \$50 million for habitat restoration jobs; (2) \$17.5 million for new coastal hatcheries; (3) \$12 million for coastal tourism infrastructure facilities; (4) \$5 million for educational facilities at Grays Harbor College for dislocated timber workers; and (5) \$10 million for coastal transportation facilities for tourism and outdoor recreation.

**Votes on Final Passage:**

House	98	0	
Senate	40	0	(Senate amended)
House	93	0	(House concurred)

## ESHJM 4015

Requesting the Philippines to keep its consulate open.

By House Committee on State Government (originally sponsored by Representatives Voloria, Wineberry, Leonard, Johanson, Wang, Chandler, Miller, Wood, Shin, Quall, Rayburn, J. Kohl, Kessler, Dyer and Anderson).

House Committee on State Government  
Senate Committee on Trade, Technology & Economic Development

**Background:** In February, the Philippine government announced that it will close its Seattle consulate, along with 11 other diplomatic posts around the world, by June 30, 1993. The Philippine government is implementing these cost-cutting measures due to an economy crippled by a \$29 billion foreign debt, the closure of United States military bases, and political instability.

There are approximately 65,000 Washington State residents of Philippine descent. This population is currently growing at a rate in excess of 1,000 persons a year.



## HJR 4200

The Philippines are a major buyer of Washington wheat and other agricultural products. The Philippines also export many products to Washington State and have a nearly \$300 million trade surplus with the state.

**Summary:** The Washington State Senate and House of Representatives request that the U.S. State Department encourage the Philippine government to allow its Seattle consulate to remain open, and to consider downsizing staff and office space to cut costs.

### Votes on Final Passage:

House	97	0
Senate	41	0

## HJR 4200

Amending the Constitution to permit municipalities and state agencies to employ chaplains.

By Representatives Franklin, Zellinsky, Campbell and Kremen.

House Committee on Local Government  
Senate Committee on Health & Human Services

**Background:** Article 1, section 1, of the state constitution prohibits the use of public money or property for any religious worship, exercise, or instruction, or for the support of any religious establishment. However, these prohibitions do not forbid the Legislature from providing for the state to employ a chaplain for state custodial, correctional, and mental institutions.

**Summary:** The Legislature is authorized to permit a county's or public hospital district's hospital, health care facility, or hospice to hire a chaplain.

### Votes on Final Passage:

House	67	31	
Senate	36	13	(Senate amended)
House			(House refused to concur)
Senate	43	4	(Senate receded)

## HJR 4201

Amending the Constitution to provide that superior courts and district courts have concurrent jurisdiction in cases in equity.

By Representatives Ludwig, Padden, Appelwick, Foreman and Johanson.

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 unless exclusive jurisdiction over the matter

has been conferred on some other court. District courts, on the other hand, are courts of limited jurisdiction, which means that they have jurisdiction only over matters specifically assigned to them by statute.

The Legislature clearly has authority to assign concurrent jurisdiction over some matters to both the superior and district courts. Based on somewhat ambiguous case law, however, it appears that other matters may be in the exclusive jurisdiction of the superior courts. Some of these matters over which the superior courts arguably 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."

There is no precise modern definition of cases in "equity." Courts of equity arose hundreds of years ago in England to handle cases in which the powers of courts of "law" were inadequate. Traditional remedies such as awarding money damages to an injured party were the stock and trade of courts of law. Courts of equity fashioned innovative remedies. Typical equitable remedies include, among other things, the issuance of injunctions or restraining orders. In modern times, much of the distinction between "equity" and "law" has been lost. In this country there are no separate courts of equity.

However, because of the state constitution's provision on "cases in equity," there is some uncertainty about the ability of the Legislature to assign certain kinds of cases to district courts. For instance, the issuance of protective orders, such as those authorized in domestic violence and antiharassment cases, is arguably an exercise of equity jurisdiction. Because some superior courts have been faced with increasingly large numbers of these protective order actions, legislation was passed to have these cases heard in district court. However, some doubt remains about whether this assignment of jurisdiction is constitutionally permitted.

**Summary:** The state constitution is amended to give superior courts and district courts explicit concurrent jurisdiction in cases in equity.

### Votes on Final Passage:

House	97	0
Senate	44	1

## EHCR 4403

Advocating the creation of a task force to study issues on gambling.

By Representatives Heavey, Veloria, Long, Shin, Forner, Schmidt, R. Meyers, Johanson, Leonard, Chandler, Lisk, Pruitt, Ballasiotes and Morris.

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

**Background:** In recent years, the level of legalized wagering in Washington and across the nation has increased significantly. Gross receipts from legal gaming have nearly doubled since 1985. In addition, with the passage of the Indian Gaming Regulatory Act, tribal gaming has expanded into casino style games. Under the Indian Gaming Regulatory Act, the state is required to negotiate in good faith with any tribe wishing to conduct gambling activities that are not prohibited by the public policy of the state as reflected in its criminal laws and constitution. These and other factors have focused attention on the state's public policy regarding gambling.

**Summary:** The State Gambling Policy Task Force is established to examine: (1) The current nature and scope of authorized gambling in the state; (2) the future of gambling in the state; (3) the need for defining a clear public policy on gambling; and (4) the feasibility of merging the Gambling Commission, Lottery Commission, and Horse Racing Commission into one state agency.

The task force will be made up of 14 members, 11 of whom will be voting members. The voting members will include the governor or the governor's designee; three members from the majority caucus and two members from the minority caucus of the Senate, appointed by the President of the Senate; and three members from the majority caucus and two members from the minority caucus of the House of Representatives, appointed by the Speaker of the House of Representatives. The three nonvoting members will be representatives of the Washington State Gambling Commission, the Washington State Horse Racing Commission, and the Washington State Lottery Commission. The task force will appoint a chair and vice chair from among its membership.

The task force may consult with individuals from the public or private sector or ask them to establish an advisory committee. The task force is to use legislative staff and facilities; and its expenses will be paid jointly by the Senate and the House of Representatives.

The task force is required to submit a report summarizing its findings and recommendations to the Legislature by January 1, 1994.

**Votes on Final Passage:**

House	95	0	
Senate	38	10	(Senate amended)
House			(House adopted)

## SHCR 4408

Commending the Higher Education Coordinating Board, and approving goals of the update of its master plan for higher education.

By House Committee on Higher Education (originally sponsored by Representatives Jacobsen, Brumsickle,

Quall, Shin, Flemming, Carlson, Rayburn, Kessler, J. Kohl, Bray, Ogden, Wood, Horn and L. Johnson).

House Committee on Higher Education  
House Committee on Appropriations  
Senate Committee on Higher Education

**Background:** Under current law, the Higher Education Coordinating Board was required to adopt a master plan for higher education by December 1, 1987. The board is also required to update the plan biennially, and present it to the governor and to the appropriate legislative committees. Following public hearings, the Legislature, by concurrent resolution, is required to approve the plan and the biennial updates or recommend changes to each. The plan then becomes state higher education policy unless that plan is altered by legislation.

During the last two years, the board has followed an exhaustive process to update the master plan. The process included surveying more than 1,000 state residents to determine the critical challenges facing Washington education. In addition, nine regional meetings were held with community leaders across the state. The board also discussed issues with college and university presidents and the heads of various state agencies.

Through that process, the board identified five critical challenges: increasing access to higher education for residents in a variety of categories; ensuring that increased access contributes to the achievement of the state's social and economic objectives; promoting excellence in undergraduate education; expanding higher education partnerships with other educational sectors, business and community service organizations; and establishing an adequate funding basis for public higher education.

At the conclusion of the process, the board adopted 14 recommendations for improving higher education. Those recommendations became the backbone of the master plan update.

**Summary:** The Legislature approves the 14 goals of the update of the master plan for higher education. These goals are:

**ACCESS**

Washington will continue to expand educational opportunities for all residents, striving to achieve enrollment opportunities that equal the 90th percentile in national participation rates for the entire higher education system, and the 70th percentile for upper division and graduate enrollments. Access will also be expanded for students of color, students with disabilities, economically disadvantaged students, and residents programs. In addition, higher education will attempt to ensure that the state has a highly educated, skilled, and flexible work force capable of meeting the challenges of a changing economy.

**QUALITY**

The basic responsibility of colleges and universities is to offer an education of the highest quality to undergraduate students. Therefore, the state will require evidence of

## SHCR 4408

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improvements in undergraduate education at all public institutions of higher education. In addition, the state will support expansion of program and student assessment efforts, and expansion of higher education partnerships with the common schools, community service organizations and the business community. Finally, the postsecondary educational system has an obligation to contribute to reform at all educational levels.

### PUBLIC INVESTMENT

The state will provide a stabilized budget base for postsecondary education that incorporates provisions to accommodate population growth. The institutions and state level higher education agencies will identify measures to increase institutional efficiencies. In addition, the Higher Education Coordinating Board will produce and disseminate an annual report on postsecondary education.

### STUDIES

The board will submit a report on tuition and fee policies to the 1994 Legislature. A citizen-legislator task force will conduct a comprehensive study on funding policies and revenue sources for postsecondary education. The study will include a comparison of the current funding methodology to a funding system based on programmatic and upper and lower division funding. The task force will include at least two members from each caucus of the House of Representatives and the Senate. The director of the Office of Financial Management, a member of the Higher Education Coordinating Board, a member of the Work Force Training and Education Coordinating Board, and up to six citizens selected by the governor will also participate on the task force. The task force is to submit its findings and recommendations to the governor, the Legislature, and the board by June 1, 1994. Its findings and recommendations will also be included in the 1995-97 operating budget for postsecondary education.

### Votes on Final Passage:

House	98	0
Senate	45	0

**SB 5000**

C 3 L 93

Repealing the basic health plan sunset termination.

By Senators Gaspard, Talmadge, Snyder, Prentice, Skratek, Drew, Fraser, Owen, Sheldon, Pelz, Rinehart, McAuliffe, M. Rasmussen, Wojahn, Williams, A. Rasmussen, A. Smith, Loveland, Vognild, Hargrove, Jesernig, Bauer, Spanel, Sutherland, Winsley, West, Moyer, Erwin, Quigley, von Reichbauer, Haugen, Sellar, Hochstatter, Newhouse, Oke, McDonald and Roach

Senate Committee on Health & Human Services

**Background:** The Basic Health Plan (BHP) is a pilot program established by the Washington Legislature in 1987. It provides state subsidized, basic health insurance through privately managed health care plans to persons with incomes below 200 percent of the federal poverty level.

The BHP provides insurance coverage for medical care including preventive care, outpatient physician services, hospital care, emergency care, laboratory and x-ray, and ambulance services. The BHP does not cover prescription drugs, vision care, dental services, mental health or chemical dependency, most maternity care, physical therapy, cosmetic surgery, or organ transplants. In addition, there is a 12-month waiting period for pre-existing conditions.

As a pilot program, the BHP has completed a program and fiscal review, and is scheduled for termination under the provisions of the Washington State Sunset Act on June 30, 1993, unless reauthorized by the Legislature. The Legislative Budget Committee, which completed the review of the program last year, recommended continuation of the BHP.

**Summary:** The statutes terminating the BHP are repealed. The BHP is continued indefinitely.

**Votes on Final Passage:**

Senate	48	0
House	92	0

**Effective:** January 27, 1993

**SSB 5025**

C 196 L 93

Clarifying forest fire fighting duties.

By Senate Committee on Natural Resources (originally sponsored by Senator Owen)

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

**Background:** The Department of Natural Resources (DNR) has identified three problems in the forest fire protection statutes: (1) the department's fire suppression responsibilities to the public in general; (2) the recovery of

fire suppression costs by federal agencies; and (3) the taking of possession of evidence in fire investigations.

A recent State Supreme Court decision held the department liable for property damage caused by the Barker Mountain fire which started on department lands. The court rejected the department's argument that the department had only a public duty and not a duty to individual landowners.

Landowners are required to provide adequate protection against the spread of fire on their lands. If landowners fail or neglect to provide adequate fire protection, the department is required to provide protection and is authorized to charge a fire protection assessment to the landowner. The payment of fire assessments was an important factor in the court's decision that the department was liable to individual landowners. This decision makes the department vulnerable to future negligence lawsuits when it is acting in a fire fighting and suppression capacity.

The department may recover costs when a fire is caused through negligence, or when a fire is spread because an extreme fire hazard is created or if forest debris is allowed to build up. The state, a municipality or a forest protective association are the only entities allowed to recover costs. The department has had difficulty recovering for costs incurred by federal agencies who assist in suppression of fires.

The department is responsible for investigating the origin and cause of all forest fires but, unlike local governments, does not have statutory authority to take possession of evidence. This has affected the department's legally mandated requirement to prove fire responsibility.

**Summary:** A public duty doctrine is established for the Department of Natural Resources when the department is acting in its fire fighting and suppression capacity. This duty is owed to the public in general and not to any individual or class of persons separate from the general public. Payment of forest protection and fire suppression assessments will not create a special department duty toward those who pay the assessments.

Costs incurred by a federal fire fighting agency are recoverable to the same extent as those incurred by the department.

Fire investigators are authorized to seize relevant evidence found in plain view. If the owner of the evidence objects, the department must obtain a court order within seven days for continued possession of the property.

Absent a court order, the department cannot take possession or control of evidence if an owner objects and if taking such possession or control would substantially and materially interfere with the owner's business or providing of electric utility services.

Utilities will assist in the collection of evidence and its preservation. Only personnel qualified to work on electrical equipment are authorized to take possession or control of an electric utility's property.

Federal fire fighting cost recovery starts June 30, 1993.

## SSB 5026

### Votes on Final Passage:

Senate 43 5  
House 61 35 (House amended)  
Senate 38 4 (Senate concurred)  
Effective: July 25, 1993

## SSB 5026

C 43 L 93

Revising provisions regulating funeral directors, embalmers, and crematories.

By Senate Committee on Government Operations (originally sponsored by Senator A. Rasmussen)

Senate Committee on Government Operations  
House Committee on Commerce & Labor

**Background:** When the Department of Health was created in 1989, the regulation of health care professionals was transferred to it from the Department of Licensing (DOL). Since most of the professional boards are supported from license fees, a separate health professions account was created in the general fund.

The registration and regulation of cemetery authorities, funeral directors, and embalmers remained in the Department of Licensing, but their funding support was incorporated into the new health professions account. The Funeral Directors and Embalmers Board has requested that its portion of the account be returned to DOL.

Authorization for cremation of a deceased person's remains must be given by specifically named relatives (surviving spouse, children or parents). Funeral directors have expressed concern about potential liability because there is no express provision to authorize cremation if a person dies without such identifiable relatives.

**Summary:** The fees collected for registering funeral directors and embalmers are transferred from the health professions account to a newly created funeral directors and embalmers account. All fees for examination, registration, and audits of funeral directors and embalmers, as well as proceeds from fines and civil penalties assessed against such individuals, are credited to the account. Any funds remaining in the health professions account attributable to funeral directors and embalmers must be transferred to the funeral directors and embalmers account.

An obsolete reference to a fee for regulating cremation is deleted. The minimum fee of \$3 for each interment, entombment and inurement is eliminated, and the director of the Department of Licensing, with the consent of the Cemetery Board, is allowed to set fees necessary for licenses, regulatory charges, and permits.

A funeral establishment or cemetery authority may proceed with cremation if it has made a good faith effort to locate the decedent's immediate relatives or the legal representative of the decedent's estate, or if the cremation is authorized by the most responsible party available.

### Votes on Final Passage:

Senate 47 0  
House 98 0  
Effective: July 25, 1993

## SSB 5035

C 197 L 93

Authorizing cities to use the hotel-motel tax for public restroom facilities.

By Senate Committee on Government Operations (originally sponsored by Senator Haugen)

Senate Committee on Government Operations  
House Committee on Local Government  
House Committee on Revenue

**Background:** Any county or city may impose a local option tax of 2 percent on sales of hotel/motel rooms. This tax is not paid in addition to other state and local taxes. Instead, it is credited against the state 6.5 percent retail sales tax. Cities can levy the hotel/motel tax within their corporate limits and counties can levy the tax in unincorporated areas and within cities that do not levy the tax. (There are two exceptions.)

In general, the hotel/motel tax may be used for: the construction and operation of stadium facilities, convention center facilities, performing arts center facilities, visual arts center facilities, and tourism promotion. Some cities and counties would like to use this tax to provide public restroom facilities.

**Summary:** Any county, or any city or town under 5,000 population, is allowed to use the 2 percent hotel/motel tax for the provision of public restroom facilities, if these facilities are available to and intended for use by visitors.

### Votes on Final Passage:

Senate 46 0  
House 98 0 (House amended)  
Senate 36 3 (Senate concurred)  
Effective: July 25, 1993

## SSB 5048

C 198 L 93

Revising bidding practices of municipalities.

By Senate Committee on Government Operations (originally sponsored by Senator Haugen)

Senate Committee on Government Operations  
House Committee on Local Government

**Background:** In 1991, the Legislature prepared legislation establishing a uniform process for local governments to award contracts for public works projects from a small works roster, and a uniform process for local governments



to award small contracts for purchases in lieu of competitive bidding. When enacted, however, the new law only applied to counties because the bill was amended onto a bill that applied only to counties.

Under current law:

Fire districts are not authorized to award public works contracts from a small works roster;

Hospital districts are not authorized to award public works contracts from a small works roster, nor may they make purchases without using a formal sealed bid procedure;

Water districts and sewer districts may dispose of surplus property with a value of \$500 or less without using formal notice and sale procedures, whereas the limit for counties and port districts is \$2,500;

Water districts and sewer districts must try to sell surplus property at 90 percent or more of its appraised value for 180 days before it can be sold at public auction to the highest bidder; and

Notice requirements for the letting of contracts or disposal of surplus equipment vary between local governments.

**Summary:** The procedures for awarding public works projects from a small works roster and for awarding small contracts for purchases are made applicable to cities, fire districts, public utility districts, port districts, sewer districts, water districts and hospital districts.

Fire districts may use a small works roster to award contracts for public works with an estimated value between \$2,500 and \$10,000.

Hospital districts may use a small works roster to award contracts for public works with an estimated value between \$5,000 and \$50,000. Hospital districts may also use the uniform process for awarding contracts for purchases between \$5,000 and \$15,000 in lieu of competitive bidding.

The threshold for water districts and sewer districts to dispose of surplus property without using formal notice and sale requirements is raised from \$500 to \$2,500.

The amount of time which a water district or sewer district must try to sell surplus property at 90 percent or more of its appraised value before it can be sold for the highest price at public auction is reduced from 180 days to 120 days.

Local governments must publish advertisements for bids at least once at least 13 days before the last date upon which bids will be received. Local governments must publish notice of intention to sell surplus property at least once a week for two consecutive weeks. Local governments must publish notice of the existence of a small works roster at least twice a year.

A municipality may invite proposals from all contractors on the small works roster at the same time. A county must award contracts for purchases to the lowest responsible bidder when competitive bidding is used.

Service contracts are excluded from regulations on county purchasing departments.

Technical changes are made to existing competitive bidding laws.

**Votes on Final Passage:**

Senate	45	0	
House	98	0	(House amended)
Senate	41	0	(Senate concurred)

**Effective:** July 25, 1993

## SSB 5052

C 199 L 93

Removing the requirement that city and town council meetings be held within the corporate limits.

By Senate Committee on Government Operations (originally sponsored by Senators A. Smith, Haugen and Quigley)

Senate Committee on Government Operations  
House Committee on Local Government

**Background:** All meetings of a town council, a city council of the third class, or a city council of a code city must be held within the corporate limits of the town or city. There are times when it might be appropriate for these councils to meet outside their corporate boundaries.

Notice requirements for special meetings by third class cities and towns are not consistent with the provisions of the Open Public Meetings Act.

**Summary:** The requirement that town councils, city councils of the third class, or city councils of code cities meet within their corporate limits is removed. All final actions on resolutions and ordinances must take place within the corporate limits of the city or town.

Notice requirements for special meetings by third class cities and towns are made consistent with the provisions of the Open Public Meetings Act. Restrictive language on when the oath of office must be taken by a town council is deleted.

**Votes on Final Passage:**

Senate	45	1	
House	90	0	(House amended)
Senate	39	0	(Senate concurred)

**Effective:** July 25, 1993

**SB 5053**  
**FULL VETO**

Requiring the department of licensing to collect the local vessel excise tax on behalf of the counties.

By Senators A. Smith, Haugen, Loveland and McAuliffe

Senate Committee on Government Operations  
House Committee on Transportation

**Background:** An excise tax is imposed by the state for the privilege of using a vessel upon state waters. Certain vessels are exempt. The Department of Licensing collects the tax, depositing it into the general fund.

A county which is party to an interlocal agreement may impose a local excise tax on watercraft if population requirements are met. The monies collected by such counties are distributed monthly to the parties of the interlocal agreement, and are to be used only for administration and enforcement of boating safety, search and rescue operations concerning boating, and boating patrols.

The cost effectiveness of the program might be enhanced if the counties are able to contract with the state in the administration, collection and distribution of local excise taxes on watercraft.

**Summary:** Counties must contract with the Department of Licensing (DOL) for the administration and collection of a local excise tax on watercraft using state waters. A local vessel excise tax account is created in the state treasury, and these monies may only be used for distribution to counties imposing such taxes.

The director of DOL establishes rules to collect the local taxes in conjunction with the collection of the state watercraft excise tax. The contract provides for a deduction, not to exceed 2 percent, from the collected taxes to pay for DOL's administration and collection expenses.

Every month the State Treasurer distributes to the counties the amount of local tax collected, minus DOL's administrative deduction. No appropriation is necessary. If an ordinance or resolution imposes a local excise tax at an excessive rate, the ordinance or resolution is void only to the extent that the rate is excessive.

**Votes on Final Passage:**

Senate	47	1
House	98	0

**VETO MESSAGE ON SB 5053**

April 19, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill 5053 entitled:

"AN ACT Relating to the local vessel excise tax."

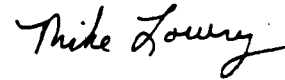
Senate Bill 5053 requires counties to contract with the Department of Licensing for the administration and collection of the local vessel excise tax authorized under RCW 82.49.070. Currently, King County is the only county now imposing this tax.

Sections 38, and 40 through 42 of Substitute House Bill 1318, as amended by the Senate, repeal the local vessel excise tax as of June 30, 1994 and replace it with an increase in the state vessel registration fee the proceeds of which will be used for local boating safety, education, and enforcement programs. The Chair of the House Committee on Natural Resources and Parks has recommended that the House Concur in these Senate Amendments to Substitute House Bill 1318 and, along with the Sponsor of Senate Bill 5053 and representatives of King County, has communicated a desire for a veto of Senate Bill 5053.

The Senate amendments to Substitute House Bill 1318 will negate the need for the vessel excise tax administration and collection changes intended by Senate Bill 5053.

For this reason, I have vetoed Senate Bill 5053 in its entirety.

Respectfully Submitted,



Mike Lowry  
Governor

**SSB 5056**  
C 283 L 93

Regulating seaweed harvesting.

By Senate Committee on Natural Resources (originally sponsored by Senator Haugen)

Senate Committee on Natural Resources  
House Committee on Fisheries & Wildlife

**Background:** Marine aquatic plants in Washington include seaweed, eelgrass, and 600 other species. Over 500 species of seaweed exist in Washington's waters. Most are attached to the substrate, but some are free-floating.

As an economic commodity, seaweed is a food used in Japan, Indonesia, and other Asian countries, and by native cultures in the Pacific Northwest. Liquid seaweed extracts are used as soil additives and plant foods. Pharmaceutical products such as agar and carrageenan are produced from seaweed extracts. Phycocolloids are derived from seaweeds.

Marine aquatic plants attached to state-owned aquatic lands are the property of the state Department of Natural Resources or the State Parks and Recreation Commission. Marine aquatic plants attached to private tidelands are the property of the private landowner.

The Department of Natural Resources regulates the harvest of seaweed for personal use on state-owned aquatic lands. An individual may receive a permit from the Department of Natural Resources to take up to 50 pounds annually. The Department of Natural Resources currently has in place a moratorium on commercial harvest of seaweed. Enforcement of the taking of valuable materials from state-owned aquatic lands is the responsibility of law enforcement officers. Violations are a criminal offense.

The Department of Fisheries regulates marine aquatic plant harvest indirectly as a component of habitat through

its permitting processes. Regulation of marine aquatic plant harvest is dependent on its direct impact on a fishery.

**Summary:** The maximum daily wet weight harvest or possession of seaweed for personal use from all private and state tidelands and state bedlands is 10 pounds per person. All law enforcement officers, including fisheries patrol officers, may enforce this law. Violating the harvest limit is punishable by a maximum penalty of \$100.

The act does not apply to commercial harvest of marine aquatic plants. Any state agency can prevent harvest from its lands.

The development of a process and budget for an inventory and management plan and an identification of the respective state and tribal roles in managing the seaweed resource will be developed. The process and budget are to be developed with interested parties, and submitted to the appropriate committees of the Legislature by December 31, 1993.

**Votes on Final Passage:**

Senate	46	1	
House	96	2	(House amended)
Senate	41	0	(Senate concurred)

**Effective:** July 25, 1993

**SB 5060**

C 140 L 93

Revising provisions relating to indeterminate sentencing.

By Senators A. Smith, Nelson, McCaslin and Hargrove; by request of Indeterminate Sentence Review Board

Senate Committee on Law & Justice  
House Committee on Corrections

**Background:** The Indeterminate Sentence Review Board is responsible for determining how much prison time offenders under the old indeterminate sentencing law will be required to serve and establishing parole conditions. As part of the transition to determinate sentencing, the Legislature has required the Board to make decisions reasonably consistent with the Sentencing Reform Act.

Under the Sentencing Reform Act, only certain offenses are subject to supervision after release from prison. One year of supervision is required for some offenses, while more serious offenses are subject to a maximum term of two years or the amount of earned early release time, whichever is longer. Under indeterminate sentencing, parole supervision may continue up to the maximum term for the crime. The board is proposing that several statutes be amended to make parole supervision more consistent with the supervision allowed by the Sentencing Reform Act.

**Summary:** The statutory provision requiring the board to retain jurisdiction over habitual criminals throughout the person's natural life is stricken.

Parole violations that do not result in convictions for new crimes may be the subject of sanctions according to an administrative sanction grid.

The Indeterminate Sentence Review Board has discretion to deny credit against the maximum sentence for any time a parolee was an escapee and fugitive from justice.

A final order of discharge must be entered three years from the date of parole unless the parolee is on suspended or revoked status at the expiration of the three years. Parolees are not required to be on conditional discharge for one year prior to a final discharge order. The discharge restores all civil rights except the right to receive, possess, own, or transport firearms.

**Votes on Final Passage:**

Senate	49	0
House	63	35

**Effective:** July 25, 1993

**SSB 5066**

C 339 L 93

Limiting powers of trustees.

By Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, McCaslin and Nelson)

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** If an individual has an unrestricted legal power to appropriate someone else's property for his or her own benefit, that person may possess a general power of appointment. General powers of appointment often arise when a person is a trustee and a beneficiary of the same trust, or when a child administering an incompetent parent's living gift plan is entitled to transfer the parent's property to himself or herself.

Under some circumstances, holders of general powers of appointment (or their estates) may become liable for federal gift or estate taxes. According to the Internal Revenue Code of 1986, these taxes can be avoided if the powerholder's abilities are limited by an ascertainable standard relating to that person's health, education, support, or maintenance.

The Washington State Bar Association has noted that Washington citizens sometimes fall into federal tax traps when their agreements do not contain the exact language of the statutory exception. In such cases, a power of appointment intended to be limited by an ascertainable standard may be construed to be general, and a power-holder inadvertently may become subject to federal estate or gift taxes. It has been recommended that legislative action be taken to eliminate this problem.

**Summary:** Holders of powers of appointment are prohibited from making discretionary distributions of property for their own benefit, except to provide for their health, education, maintenance or support. An exception is pro-

## SB 5067

vided when the terms of an agreement granting a power of appointment expressly state that this prohibition shall not apply.

Powers of appointment must be exercised in a reasonable manner, regardless of language purporting to grant absolute discretion to the power-holder.

Trustees who are also trust beneficiaries are prohibited from taking certain discretionary actions with respect to trust property. Provisions are made to confer prohibited powers on non-interested trustees.

A person entitled to remove or replace a trustee shall not be deemed, by virtue of that power, to possess the powers of the trustee subject to removal or replacement.

To avoid creating releases that would be subject to federal gift taxes, this act generally is not applicable to powers of appointment created prior to its effectiveness.

### Votes on Final Passage:

Senate	47	1
House	98	0

Effective: July 25, 1993

## SB 5067

C 19 L 93

Altering the provisions concerning joint tenancy.

By Senators A. Smith, McCaslin and Nelson

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** A joint tenancy is a form of property ownership in which two or more persons jointly own something. Each joint tenant has the same undivided interest in the whole of the jointly owned property. Joint tenancies may arise in any number of ways. Sometimes they arise incident to a marital community. A joint tenancy held in the names of a husband and wife is presumed to be community property.

Case law in Washington indicates that with respect to separate, noncommunity property, a joint tenancy is severable at will by any tenant. Severance of a community property joint tenancy may allow significant federal estate tax savings. There is some concern that current joint tenancy statutes could be interpreted to deny the right of unilateral severance of a community property joint tenancy.

**Summary:** Any joint tenancy, including a community property joint tenancy, may be severed at will by any tenant. Property interests resulting from the severance of a joint tenancy held by a husband and wife are presumed to be community property as well.

### Votes on Final Passage:

Senate	46	0
House	98	0

Effective: July 25, 1993

## SSB 5068

C 200 L 93

Changing the homestead exemption.

By Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, McCaslin, Nelson, Erwin, Vognild and Roach)

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** A creditor who obtains a judgment against a delinquent debtor often can force the debtor to sell property to repay his or her obligations.

The homestead exemption protects from forced sale the house or mobile home where the debtor resides or intends to reside, along with appurtenant buildings and related land. The exemption generally is limited to the lesser of (1) \$30,000 and (2) the value of the lands, mobile home and improvements.

Because some Washington citizens reside on their boats or in their cars or vans, it has been recommended that the homestead exemption's scope be expanded to include any personal or real property that the owner uses as a residence.

**Summary:** The definition of homestead is expanded to include any real or personal property that the owner uses as a residence. The homestead exemption may not be asserted against certain liens arising in connection with the property claimed as a homestead.

The amount of the homestead exemption in personal property is limited to the lesser of (1) the net value of the personal property claimed as a homestead, and (2) \$15,000.

### Votes on Final Passage:

Senate	44	1
House	95	3

Effective: July 25, 1993

## SB 5070

C 18 L 93

Using labor relations consultants.

By Senators Prentice and Roach

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

**Background:** Each of the state's taxing districts and political subdivisions are required to file yearly financial reports with the State Auditor. Specific details about expenditures for labor relations consultants are not among the enumerated items that must be reported. There is concern, however, that the use of such consultants is increasing, and that the public should be kept informed about their use.

**Summary:** The yearly financial reports filed by taxing districts and political subdivisions with the State Auditor must include a statement of all expenditures for labor relations consultants, with the identification of each consultant, compensation, and the terms and conditions of each agreement or arrangement.

**Votes on Final Passage:**

Senate 38 9  
 House 63 35  
**Effective:** July 25, 1993

**SSB 5075**  
 C 514 L 93

Prohibiting hazing at institutions of higher education.

By Senate Committee on Higher Education (originally sponsored by Senators Winsley, Fraser and Erwin)

Senate Committee on Higher Education  
 House Committee on Higher Education

**Background:** Hazing has been viewed as a serious social problem affecting institutions of higher education. This view is particularly strong at institutions with fraternity and sorority living groups, which sometimes have prescribed initiation rituals required for acceptance into the organization.

Hazing is illegal at institutions of higher education in 28 states. Although some of this state's four-year institutions have adopted internal anti-hazing policies, there is no statute specifically addressing the issue of hazing and prescribing penalties.

**Summary:** Hazing is defined as a method of initiation into a student organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending a public or private institution of higher education. Customary athletic events or other similar contests or competitions are excluded from the definition.

No student or other person in attendance at any public or private institution of higher education may engage, or conspire to engage in hazing. Violating the provisions against hazing is a misdemeanor.

Any student who participates in hazing forfeits any entitlement to state funded grants, scholarships and awards. Any organization or living group that knowingly permits hazing to be conducted by those subject to its control will be deprived of any sanction, official recognition, or approval granted by a public institution of higher education. Institutions of higher education are directed to draft rules for offenses not covered by the act.

**Votes on Final Passage:**

Senate 47 2  
 House 98 0 (House amended)  
 Senate 38 2 (Senate concurred)  
**Effective:** July 25, 1993

**ESB 5076**  
 C 494 L 93

Enacting comprehensive health care reform.

By Senators Talmadge, Gaspard, Snyder and Pelz; by request of Governor Gardner

The joint effect of ESB 5076 and E2SSB 5304 created the Washington Health Services Act of 1993. (See bill report for E2SSB 5304.)

**Votes on Final Passage:**

Senate 30 19  
 House 59 39  
**Effective:** July 1, 1993

**SB 5077**  
 C 44 L 93

Specifying when damages for pain and suffering of a deceased person may be recovered by survivors.

By Senator Vognild

Senate Committee on Law & Justice  
 House Committee on Judiciary

**Background:** A person's right to assert a legal cause of action generally survives that person's death and, in most cases, may be exercised by the executor of his or her estate.

However, a claim for damages based upon a decedent's pain and suffering survives only if the injury that caused the pain and suffering also caused the decedent's death. Moreover, such claims may be brought only on behalf of the decedent's surviving spouse or living children; or if the decedent dies leaving no spouse or children, on behalf of the decedent's dependent parents or siblings.

It has been suggested that a decedent's survivors should be able to recover damages for the decedent's pain and suffering even if the pain and suffering was caused by an injury unrelated to the decedent's death.

**Summary:** The personal representative of an estate, on behalf of certain surviving relatives of a decedent, is entitled to recover damages for pain and suffering experienced by the decedent regardless of whether the injury that caused the decedent's pain and suffering also caused the decedent's death.

**Votes on Final Passage:**

Senate 47 2  
 House 98 0  
**Effective:** July 25, 1993



**SB 5079**

C 201 L 93

Modifying conditions for the digging of razor clams for persons who have physical disability permits.

By Senators Owen, Snyder, Hargrove and Erwin.

Senate Committee on Natural Resources  
House Committee on Fisheries & Wildlife

**Background:** Physically disabled persons may have another person dig razor clams for them if they have a physical disability permit issued by the Department of Fisheries. The department requires disabled persons to be present at the digging site when another person digs razor clams for them.

Some physically disabled persons are not able to be at the digging site and desire to have someone harvest clams for them while they are on the upper beach area.

**Summary:** Physically disabled persons are not required to be at the digging site when another person is digging razor clams for them. The disabled person is required to be within the direct line of sight of the razor clam digger, unless an obstruction that would prevent the line of sight exists. In this case, the disabled person would have to be within 1/4 mile of the person digging the clams.

**Votes on Final Passage:**

Senate	44	1	
House	91	0	(House amended)
Senate	39	0	(Senate concurred)

**Effective:** July 25, 1993

**SB 5082**

C 105 L 93

Including ratites in poultry farming regulations.

By Senators M. Rasmussen, Barr, Erwin and Bauer

Senate Committee on Agriculture  
House Committee on Agriculture & Rural Development

**Background:** Ratites are species of flightless birds that include ostrich, emu, and rhea. Ostriches have been raised on farms in the United States and elsewhere in the world since the early 1900's.

There is an increasing number of ostriches and other ratites in the state of Washington. Currently, it is unclear whether these animals are subject to the animal disease control authorities of the Department of Agriculture.

**Summary:** Legislative recognition is given that raising ratites is an agricultural pursuit. Ratites are included in the definition of poultry.

Authority is provided to the Department of Agriculture to develop, in consultation with the ratite industry, an individual ratite identification system and to charge fees sufficient to cover the expenses of the department.

The Department of Agriculture is directed, in consultation with the ratite industry, the poultry industry and other affected groups, to review the adequacy of existing animal health regulations that pertain to ratites. The department is to adopt rules as deemed necessary to assure the protection of the ratite and poultry industries from potential importation or spread of contagious diseases and parasites.

**Votes on Final Passage:**

Senate	46	0
House	92	0

**Effective:** July 25, 1993

**SSB 5088**

C 202 L 93

Authorizing flexible approaches to developing administrative rules.

By Senate Committee on Government Operations (originally sponsored by Senators McCaslin and Barr)

Senate Committee on Government Operations  
House Committee on State Government

**Background:** There are a number of similarities between state and federal rule-making under the respective administrative procedure statutes. A relatively recent process which was developed at the federal level is known as negotiated rule-making, which was adopted at the suggestion of the Administrative Conference of the U.S. In this process, parties identified as interested in the development of a specific set of rules negotiate toward consensus before the formal proposal is filed for public notice and hearing. The Washington Administrative Procedure Act (APA) does not include provision for negotiated rule-making.

A related procedure, called a pilot rule, was used by the Department of Ecology (DOE) in the implementation of rules under a 1990 statute requiring facility operators to adopt hazardous waste reduction plans. Once the preliminary rules were in place, DOE convened a group of interested parties to test their application. As a result, significant amendments were adopted in 1991, with the goal of making the rules more workable. There is no statutory recognition of this type of collaboration in developing rules.

**Summary:** Legislative findings indicate that, while greater public participation in the rule-making process was encouraged by the 1988 revisions to the APA, situations still arise where adversarial relationships develop, and parties seem unable to focus on solutions, with the result of added costs for all. The legislative intent is to encourage flexible approaches in developing administrative rules. The use of these procedures is wholly within the discretion of the agencies.

Agencies are encouraged to continue soliciting comments on subjects of possible rule-making but also to use new procedures for reaching agreement among interested

parties before publication of notice and the adoption hearing on the rule. Among the suggestions is the use of negotiated rule-making. The criteria for conducting negotiated rule-making are made more specific, to include: (1) identifying persons interested in or affected by a proposed rule; (2) soliciting participation by persons who are capable and appropriately authorized to enter into such negotiations; (3) assuring that participants recognize the consequences of not participating, are committed to negotiate in good faith, and recognize alternatives available to other parties; (4) agreeing on a reasonable time period in which the agency will be bound by a rule resulting from negotiation; and (5) providing a mechanism for one or more parties to withdraw or for the process to be terminated if it appears consensus cannot be reached.

If it is determined that implementation of proposed or permanent rules may produce unreasonable economic or technical burdens, agencies are encouraged to develop methods for testing the feasibility of compliance with the rules, including the use of voluntary pilot study groups. Such methods should emphasize participation by interested parties, a high level of agency management involvement, and the need to reach consensus among the participants, assurance of fairness, reasonable completion dates, and a process by which a party may withdraw or the full process be terminated. Where appropriate, findings of the pilot project should be adopted as amendments to the rules.

**Votes on Final Passage:**

Senate	44	0	
House	91	0	(House amended)
Senate	40	0	(Senate concurred)

Effective: July 25, 1993

**ESB 5101**

C 115 L 93

Adjusting certain motorcycle-related fees.

By Senator Vognild

Senate Committee on Transportation  
House Committee on Transportation

**Background:** To operate a motorcycle, individuals must have a driver's license and a motorcycle endorsement, which require passage of a motorcycle examination. The fee for an initial motorcycle endorsement is \$6, plus \$2 to cover the cost of the examination. A renewal endorsement, required every four years, costs \$7.50. Revenue from motorcycle endorsements is placed in the motorcycle safety education account.

Since 1983, the Department of Licensing (DOL) has provided motorcycle skills education courses for novice and advanced motorcycle drivers. People under 18 years of age must complete a motorcycle safety education course to qualify for a motorcycle endorsement. The price of the

courses is capped at \$30. Additional costs of \$130 to \$150 per student for the basic course are covered by revenue from the motorcycle safety education account.

In 1992, 2,787 students took the basic motorcycle skills education course and another 683 students took experienced rider courses.

**Summary:** The price of a renewal motorcycle endorsement is increased from \$7.50 to \$14. The maximum price that can be charged to students for a DOL-sponsored motorcycle skills education course is increased from \$30 to \$50.

**Votes on Final Passage:**

Senate	35	12
House	87	11

Effective: July 25, 1993

**SB 5107**

C 209 L 93

Concerning arrest without warrant.

By Senators Sutherland and A. Smith

Senate Committee on Education  
House Committee on Judiciary

**Background:** Principals or other school officials confiscate firearms and dangerous weapons that students bring into schools or onto school grounds. However, police are unable to make a subsequent arrest because they are not authorized to arrest a person committing a misdemeanor or a gross misdemeanor unless the offense is committed in the presence of an officer. A student carrying a firearm or dangerous weapon onto school grounds is guilty of a gross misdemeanor.

**Summary:** A police officer may make a warrantless arrest if the officer has probable cause to believe that a person unlawfully possesses or unlawfully possessed a firearm or dangerous weapon on public or private school premises.

**Votes on Final Passage:**

Senate	49	0	
House	98	0	(House amended)
Senate	40	0	(Senate concurred)

Effective: July 25, 1993

**ESSB 5110**

C 45 L 93

Changing provisions relating to sewer and water districts.

By Senate Committee on Government Operations (originally sponsored by Senators Haugen, Drew and Winsley)

Senate Committee on Government Operations  
House Committee on Local Government

## SB 5112

**Background:** When considering competitive bids for contracts for work and material, water districts and sewer districts may reject bids that are "unsatisfactory." It is not clear that this standard would include consideration of the past performance record of a contractor or changed circumstances since the advertisement for bids.

Water districts and sewer districts do not have authority to solicit voluntary contributions from their customers to assist indigent customers. Public utility districts do have this authority.

**Summary:** Water districts and sewer districts may reject contract bids "for good cause."

Sewer and water districts may solicit voluntary contributions from customers to be paid with regular billings to assist indigent customers.

Archaic terminology is corrected and gender inclusive terms are added.

### Votes on Final Passage:

Senate	42	3
House	98	0

Effective: July 25, 1993

## SB 5112

C 47 L 93

Revising hiring procedures for cities and towns.

By Senators Drew and von Reichbauer

Senate Committee on Government Operations

House Committee on Local Government

**Background:** The city council of a third class city prescribes the duties and compensation of all officers by ordinance. The mayor of a town appoints a clerk and a marshal, and may appoint other subordinate officers as provided by ordinance. All appointive officers hold office at the mayor's pleasure. The town council determines by ordinance the salaries of the mayor, council, treasurer, and treasurer-clerk. The compensation of all other officers is fixed by the council.

When determining veterans' preference in civil service examinations, veterans are given 10 percent credit toward the entrance examinations.

**Summary:** The city council of a third class city determines the duties and fixes the compensation of employees, as well as of all officers. Employees are included in the list of persons appointed by the mayor of a town. These employees are not subject to confirmation by the town council. The salary of town employees is fixed by the town council.

The credit given a veteran for competitive examinations is structured so that one category receives 10 percent credit, and two other categories receive 5 percent credit. A veteran not receiving any veterans' retirement payments and taking a competitive examination is entitled to 10 per-

cent credit. A veteran taking a competitive examination and receiving veterans' retirement payments gets 5 percent credit. A 5 percent credit is given to a veteran recalled to active military service for one year or more, and was previously employed with the state or any political subdivision, city, or town. This credit is given for the veteran's first promotional examination only.

Several technical changes are made and language is made gender neutral.

### Votes on Final Passage:

Senate	46	0
House	95	0

Effective: July 25, 1993

## SB 5124

C 340 L 93

Revising laws relating to commercial fishing licenses.

By Senators Owen, Snyder, Haugen, Spanel, Sellar, Oke, Amondson and Erwin; by request of Department of Fisheries

Senate Committee on Natural Resources

House Committee on Fisheries & Wildlife

**Background:** The present system of commercial fishing licenses is cumbersome, confusing, and difficult to enforce and administer. The underlying complication is that licenses are assigned to vessels, not persons. This creates numerous problems with use and transfer.

Each license can have an unlimited number of additional operators. Additional operators receive a card allowing them to sell catch; their names are not listed on the vessel's fishing license. There is no control over how many additional operators are working or for whom. Any violations are noted against the vessel, not the individual who incurred them. The landing record is permanently attached to the vessel and, after license sale or transfer, follows the vessel even if the vessel is subsequently sold or destroyed. Thus, it is vessels and not individuals who build priority in fisheries with moratoria and it is possible to buy a landing history rather than to earn it.

Under the current system persons must own vessels in order to maintain license ownership.

**Summary:** Commercial fishery licenses are held by persons, not vessels. Persons can be individuals, organizations, business organizations, or government agencies. Landing records remain with the fishery license holder and fishers retain earned histories.

There must be a vessel designated on the license for fisheries which require a vessel. People may hold fishery licenses if they do not own a vessel. The vessel designation may be changed but no more than four times a year and no more than once in a seven-day period. There is a fee for each change.

Additional operator licenses are discontinued. A fishery license holder may have up to two alternate operators. All three names are listed on the license. Alternate operators receive cards which allow them to participate in any fishery in the state where they have been listed as an alternate operator by a fishery license holder. The alternate operator card does not allow the holder to sell catch; a fishery license must be used to sell catch. Alternate operator cards allow the Department of Fisheries to keep track of all operators, employment records, violations, without affecting vessel owners.

Salmon license renewals are given if the applicant held the license the previous year. The one food fish landing requirement is eliminated.

The fee schedule is restructured to be revenue neutral with the new fees taking effect in 1994 in any case.

**Votes on Final Passage:**

Senate	47	0	
House	94	0	(House amended)
Senate	39	0	(Senate concurred)

Effective: January 1, 1994

**SB 5125**

C 100 L 93

Regulating issuance of commercial salmon fishing licenses.

By Senators Owen, Snyder, Haugen, Spanel, Sellar, Oke, Amondson and Erwin; by request of Department of Fisheries

Senate Committee on Natural Resources  
House Committee on Fisheries & Wildlife

**Background:** A commercial salmon fishing license or salmon delivery permit may be renewed only if a vessel (1) held a license or permit the previous year, and (2) landed one or more food fish the previous year.

The landing requirement does not serve its intended purpose and costs \$15,000-\$20,000 annually to enforce.

**Summary:** The landing requirement is deleted.

**Votes on Final Passage:**

Senate	46	1
House	94	0

Effective: July 25, 1993

**SB 5126**

C 20 L 93

Correcting references to the geographical landmark on Cape Shoalwater.

By Senators Snyder, Owen, Haugen, Spanel, Sellar, Oke, Bauer, Amondson and Erwin; by request of Department of Fisheries

Senate Committee on Natural Resources  
House Committee on Fisheries & Wildlife

**Background:** The statutes reference the Cape Shoalwater Light for purposes of setting fishing areas by the Department of Fisheries. The lighthouse was torn down and a new tower constructed 400 yards to the west. A new reference must be used to set fishing area boundaries. This will not make any changes in the fishing areas.

**Summary:** Reference to the Cape Shoalwater "Light" is changed to "Tower."

**Votes on Final Passage:**

Senate	48	0
House	98	0

Effective: July 25, 1993

**SB 5128**

C 21 L 93

Raising keg registration container size requirements from four to five and one-half gallons.

By Senators Moore, Newhouse, Snyder and Amondson

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

**Background:** Small groceries or other off premise class E licensees are prohibited from selling malt liquor (any variety of beer) in kegs holding four or more gallons. A class E licensee must obtain a class A or class B license if he or she wishes to sell malt liquor in kegs larger than four gallons.

**Summary:** Small groceries or other off premise class E licensees may sell malt liquor in kegs of up to five and one-half gallons without being required to obtain a class A or class B license if all such sales comply with laws concerning the registration of kegs.

The Liquor Control Board may charge class E licensees for keg registration booklets. Fees are deposited into the liquor revolving fund and may be spent by the board, without appropriation, to administer the cost of the keg registration program.

**Votes on Final Passage:**

Senate	39	9
House	98	0

Effective: July 25, 1993

SSB 5134

C 327 L 93

Allowing property owned by nonprofit organizations to be used for certain activities without loss of property tax exemption.

By Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Barr, Snyder, Oke, Winsley, Roach and Erwin)

Senate Committee on Ways & Means  
House Committee on Revenue

**Background:** Nonprofit public assembly halls or meeting places and the property of veterans' organizations are exempt from property taxes.

The assembly hall or meeting place exemption is restricted to the buildings, the land under the buildings, and up to one acre of parking area. For essentially unimproved property, the exemption is limited to 29 acres. To qualify for exemption, the property must be used for public gatherings and be available to all organizations or persons desiring to use the property.

Neither exemption allows the property to be used for pecuniary gain or to promote business activities except for fund-raising activities of a nonprofit organization.

**Summary:** The property tax exemption for nonprofit public assembly halls and meeting places and property of veterans' organizations is not lost by:

- (1) The use for pecuniary gain for periods of not more than three days in a year.
- (2) An inadvertent use of the property which is inconsistent with the purpose of the exemption if the use is not part of a pattern of use. An inadvertent use that is repeated in the same assessment year or in successive assessment years is presumed to be part of a pattern of use.

**Votes on Final Passage:**

Senate	41	4
House	96	0

**Effective:** July 25, 1993

SB 5139

C 101 L 93

Consolidating the state capital historical association and the state historical society.

By Senators Fraser, Wojahn, Prentice, Haugen, von Reichbauer, Williams, Winsley, Roach and McAuliffe; by request of Office of Financial Management, Washington State Historical Society and State Capital Historical Association

Senate Committee on Government Operations  
House Committee on State Government  
House Committee on Appropriations

**Background:** The Washington State Historical Society operates the State Historical Museum in Tacoma, and the State Capital Historical Association operates the State Capital Historical Museum in Olympia. Both are nonprofit corporations, but have been recognized in statute as trustees of the state to preserve and exhibit materials that demonstrate Washington's cultural, artistic and natural history.

The governing boards of trustees of each historical society are elected by their respective memberships, and the museum directors are appointed by the respective governing boards with the consent of the Governor. Funding for each society includes state general fund appropriations, membership fees, and federal or private grants and gifts.

As state fiscal circumstances have worsened, the respective boards and the Office of Financial Management (OFM) have undertaken negotiations to consolidate the administrative structures of the two organizations, but to leave their missions and operations separate. A memorandum of agreement is being drafted to deal with issues such as the structure of a consolidated board, the specific details of consolidating staff, and similar matters.

**Summary:** Legislative findings include that: there is a strong community of interest between the State Historical Society and the State Capital Historical Association; the capacity to preserve our state's heritage and the unique history of the state capital will be strengthened if the programs are combined; and operational efficiencies can be achieved under a single management. The purpose is to transfer the powers and duties of the State Capital Historical Association to the Washington State Historical Society, but the unique missions and programs of each are to be preserved.

The State Capital Historical Association is abolished, and its powers, duties, and functions are transferred to the Washington State Historical Society. Written materials, property and appropriations are also transferred, as are the employees of the Historical Association. Existing contractual rights and obligations are preserved. The Director of OFM certifies the apportionment of budgeted funds as necessary. Any collective bargaining rights are not altered until the bargaining unit is modified by the State Personnel Board.

Numerous references to the State Capital Historical Association are deleted.

**Votes on Final Passage:**

Senate	48	0
House	98	0

**Effective:** July 1, 1993



## SSB 5145

C 203 L 93

Regulating bungee jumping.

By Senate Committee on Labor & Commerce (originally sponsored by Senator Winsley)

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

**Background:** The operation of bungee jumping devices is covered, in part, by existing statutes related to the inspection, permitting and insurance coverage requirements for amusement rides.

Bungee jumping devices operated at carnivals, fairs or amusement parks are required to be inspected and permitted before beginning operation. Only bungee jumping devices that utilize a mechanical crane are subject to inspection and permitting requirements.

Bungee jumping devices operated on bridges, piers or other locations not specifically mentioned in statute are not required to be inspected or permitted. Bungee jumping devices that do not utilize a mechanical crane are also not covered under current law.

Bungee jumping devices that have major parts such as the crane, man lift, bungee cord, or landing device replaced are not required to be inspected after replacement of such parts.

Bungee jumping operators subject to inspection and permitting requirements are charged a fee of \$10 for each operating permit.

**Summary:** All bungee jumping devices are subject to the statutes related to the inspection, permitting and insurance coverage requirements for amusement rides.

All major parts of the bungee jumping device, including the crane, person lift, bungee cords and landing device must be inspected prior to beginning operation and on an annual basis thereafter.

Any major part of the bungee jumping device, including the crane, person lift, bungee cords and landing device, that is replaced must be inspected and permitted.

If the bungee jumping device is relocated, or if a new owner purchases the bungee jumping device, reinspection and permitting is required.

The Department of Labor and Industries may charge a fee of up to \$100 for each permit issued to a bungee jumping operator. Fees collected are deposited into the general fund. Funds may be appropriated to the department to cover the costs of permitting and inspecting bungee jumping devices.

Permission must be granted by public or private owners of bridges, land or water before bungee jumping is allowed.

**Votes on Final Passage:**

Senate	39	6	
House	91	3	(House amended)
Senate	35	5	(Senate concurred)

**Effective:** July 25, 1993

## SSB 5148

C 106 L 93

Adjusting penalties for improper use of disabled parking spaces.

By Senate Committee on Transportation (originally sponsored by Senator Winsley)

Senate Committee on Transportation  
House Committee on Transportation

**Background:** Parking illegally in a disabled parking space may result in a fine between \$15 and \$50. Approximately one-third of the amount of the fine collected is deposited in the state public safety and education account; approximately two-thirds is retained by the city treasury and deposited according to the local jurisdiction.

**Summary:** A \$50 fine for parking illegally in a disabled parking space is established. Local jurisdictions must use their portion of this fine exclusively for law enforcement. Courts are permitted to impose additional penalties sufficient to reimburse the local jurisdiction for any costs it may have incurred while removing and storing illegally parked vehicles.

Local jurisdictions providing on-street parking places reserved for physically disabled persons may impose by ordinance time restrictions on the use of these parking places.

**Votes on Final Passage:**

Senate	47	0
House	95	0

**Effective:** July 25, 1993

## ESSB 5157

C 341 L 93

Increasing statutory attorneys' fees.

By Senate Committee on Law & Justice (originally sponsored by Senators Hargrove and Nelson)

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** Parties in a civil lawsuit may recover attorney's fees. Attorney's fees may be awarded by way of contractual agreement, by court decision or by statute.

In civil cases involving sums under \$10,000, state statutes allow for attorney's fees in the amount of \$50 to the prevailing party, unless otherwise provided.

To obtain the statutory award of attorney's fees, the debt recovery or judgment obtained by the prevailing party must be at least \$25, exclusive of the costs of bringing the lawsuit. These cases are generally tried in district court.

Statutory attorney's fees in cases involving sums over \$10,000, which are generally tried in superior court, are \$125.

## SSB 5159

**Summary:** Statutory attorney's fees in cases involving less than \$10,000 shall be \$125, provided the judgment amount is for \$50 or more.

**Votes on Final Passage:**

Senate	49	0	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	41	4	(Senate concurred)

**Effective:** July 25, 1993

## SSB 5159

C 204 L 93

Encouraging landscaping for energy conservation.

By Senate Committee on Ecology & Parks (originally sponsored by Senators Talmadge, Owen and Fraser)

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

**Background:** Community and urban forestry refers to the planting and managing of trees in parks, greenbelts and along streets. Urban forests can help improve air quality, provide wildlife habitat, reduce soil erosion, and increase real estate values.

A recently released report by the U.S. Environmental Protection Agency indicates that strategic planting of trees around buildings and in urban areas may significantly reduce energy use, depending on the region and other conditions. Nationally, a number of utilities and municipalities have begun programs in tree planting for energy conservation.

In 1991 the Legislature authorized the Department of Natural Resources to establish a community and urban forestry program in order to assist municipalities and other public and private entities in developing urban forestry programs. The program provides technical and financial assistance to communities and local organizations, and administers federal grants. The program is currently supported entirely by federal funds from the U.S. Forest Service and the Small Business Administration.

**Summary:** A finding is made that tree planting in urban areas mitigates the urban "heat island effect" and reduces energy consumption. A finding is also made that urban forestry programs should promote the use of appropriate tree species that will not damage public service facilities.

Utilities are encouraged to provide information to customers regarding the energy conservation functions of tree planting. Utilities are also encouraged to request voluntary donations from customers for urban forestry programs.

The energy conservation and other benefits of urban forestry are incorporated into the energy conservation provisions applicable to municipal utilities, private utilities, and the Department of General Administration.

The Department of Natural Resources (DNR) is authorized to enter into agreements with nonprofit organizations to encourage public education and volunteer opportunities in urban tree planting. The DNR is also authorized to provide technical assistance in tree planting for energy conservation.

The DNR may provide nursery stock, at cost, to local governments or nonprofit organizations for urban tree planting programs.

**Votes on Final Passage:**

Senate	48	1
House	63	35

**Effective:** July 25, 1993

## SB 5166

C 4 L 93

Authorizing refunding revenue bonds.

By Senators Vognild, Nelson and Sheldon; by request of State Treasurer and Department of Transportation

Senate Committee on Transportation  
House Committee on Transportation

**Background:** In January 1963, the Washington Toll Bridge Authority adopted a resolution for the issuance and sale of \$37.2 million of "Washington Toll Bridge Authority, Ferry and Hood Canal Bridge Refunding Bonds, 1963." The proceeds of this bond authorization were to refinance two prior ferry bond issues. The first was a 1955 \$10 million issue for ferry capital improvements. The second was a 1957 \$30.5 million issue which funded additional ferry capital improvements (\$20 million) and construction of the Hood Canal Bridge (\$10 million).

The 1963 refunding bond contains several restrictive covenants which require the Department of Transportation to conduct business in a specific manner until the bond issue is retired. Those covenants require such items as: 1) an independent audit by a CPA firm; 2) a defined fund and account structure using a treasury trust fund held in custody by a trustee bank; and 3) a requirement that bars competing marine transportation services within ten miles of state transportation facilities.

According to the office of the State Treasurer and the Department of Transportation, current interest rates and the elimination of unnecessary expenses required by current bond covenants make refinancing economically feasible.

**Summary:** The sale of up to \$15 million in bonds is authorized for the purpose of retiring the 1963 bond issue. The requirement that the Department of Transportation follow restrictive bond covenants is eliminated.

**Appropriation:** \$100,000

**Votes on Final Passage:**

Senate	46	1
House	96	1

**Effective:** March 12, 1993

**SSB 5176**

C 342 L 93

Concerning the cashing of government issued checks or warrants.

By Senate Committee on Labor & Commerce (originally sponsored by Senators Vognild, Pelz, Moore, Wojahn and Fraser)

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

**Background:** While some financial institutions will not cash a government issued check or public assistance check for a noncustomer, those institutions that will cash such checks sometimes charge a fee for the service. Some institutions charge a fixed fee, ranging from less than \$1 to \$7. Other institutions charge a fee of approximately 2 percent of the face amount of the check. In addition to financial institutions, check cashers also cash government issued checks for a fee ranging from 2 to 5 percent of the check's face amount depending upon the type of check and whether the person can provide identification.

Some interest has been expressed in requiring qualified public depositaries to cash certain government issued checks. Qualified public depositaries are those financial institutions approved by the Washington Public Deposit Protection Commission to accept public funds and include many commercial banks, savings banks, and savings and loan associations.

**Summary:** In conjunction with the State Treasurer's office and the Department of Social and Health Services, the Supervisor of Banking and the Supervisor of Savings and Loan are directed to study methods to inexpensively transfer government funds to persons receiving public assistance. The supervisors are to prepare a report containing their findings and recommendations and provide the report to the Legislature by January 1, 1994.

**Votes on Final Passage:**

Senate	33	16	
House	97	0	(House amended)
Senate	32	14	(Senate concurred)

Effective: July 25, 1993

**SSB 5179**

C 469 L 93

Promoting vessel safety.

By Senate Committee on Ecology & Parks (originally sponsored by Senators Owen, Barr, Fraser, Rinehart and Sutherland)

Senate Committee on Ecology & Parks  
House Committee on Environmental Affairs

**Background:** Washington statutes provide safety requirements for the operation of vessels. These include the manner of operation, running lights, noise control, life preservers, accident reporting, life saving equipment, and other requirements.

However, there are no requirements in existing law that vessels having appliances or heating systems fueled by propane be equipped with devices to warn of propane leaks. Propane fuel in its gaseous state is heavier than air and a propane fuel leak in a vessel may lead to a buildup of flammable gases in the hold of the vessel. Such leaks have been the cause of vessel explosions on Washington waters, resulting in loss of life and property damage.

Monitoring devices to detect and warn of propane fuel leaks on vessels are widely available through marine suppliers.

**Summary:** Legislative findings are made regarding the large number of recreational vessels in Washington State and the need for sensing and warning devices regarding liquid petroleum gas leaks. Effective July 1, 1994, recreational vessels required to be registered in the state with liquid petroleum gas systems shall be equipped with a device to warn of vapor leaks below the threshold danger of explosion. The State Parks and Recreation Commission is to adopt rules exempting vessels of open-air construction. The United States Coast Guard is requested to adopt standards governing the installation of such devices. The Parks Commission will adopt rules to provide such standards if it determines the Coast Guard is not reasonably likely to adopt standards by April 1, 1994.

Vessels offered for sale or manufactured within the state on or after July 1, 1994 shall be equipped with such warning devices. Vessels shall not be modified in any way that causes a vessel to be out of compliance with the warning device requirements.

Penalties for violations are specified. Until September 1, 1994, only warning notices of violations shall be issued. If a court holds any provision of the state law to be preempted by federal law, the commission shall submit the state provision to the federal government for an exemption to the preemption pursuant to federal law.

A severability provision is included.

**Votes on Final Passage:**

Senate	47	0	
House	98	0	(House amended)
Senate	40	0	(Senate concurred)

Effective: May 17, 1993

ESSB 5186

C 509 L 93

Prohibiting the luring of minors or incompetent persons into vehicles or structures.

By Senate Committee on Law & Justice (originally sponsored by Senators von Reichbauer, A. Smith, McCaslin, Prentice, Gaspard, Hargrove, Quigley, Winsley and Erwin)

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** Sexual offenses are set forth in the Washington Criminal Code and include rape of a child, child molestation, communicating with a minor for immoral purposes, and assault of a child, as well as other offenses.

Police receive numerous reports that strangers have attempted to order or entice children into cars. This occurs outside of schools, on public streets, etc.

**Summary:** The crime of luring is created. A person is guilty of luring when he or she, without consent from a guardian or parent, requests or persuades a child or developmentally disabled person to 1) enter an area that is obscured from or inaccessible to the public, and 2) he or she is unknown to the child or developmentally disabled person.

Luring is a crime of strict liability and the defendant bears the burden of proving that his or her actions were reasonable and there was no intent to harm the child or developmentally disabled person.

Luring is a class C felony.

**Votes on Final Passage:**

Senate 44 0  
House 96 2 (House amended)  
Senate 44 0 (Senate concurred)

Effective: July 25, 1993

SSB 5195

C 470 L 93

Regulating excessive securities transactions.

By Senate Committee on Labor & Commerce (originally sponsored by Senator Moore)

Senate Committee on Labor & Commerce  
House Committee on Financial Institutions & Insurance  
House Committee on Appropriations

**Background:** Regulations adopted pursuant to Washington's Securities Act prohibit excessive securities transactions (e.g., securities churning). Churning is generally defined as the purchase or sale of securities for a customer's account that is excessive in light of the account's

character and that is made because of the securities advisor's ability to control the frequency of trades.

Currently, if a securities advisor is found guilty of churning a client's account, the securities advisor is liable for restitutionary damages including the consideration paid for the security, interest from the date of payment, costs, and reasonable attorneys' fees, less any income received on the security.

The securities laws also require all securities professionals to meet certain registration requirements in order to conduct business. A registration may be suspended, revoked, or denied by the Director of the Department of Licensing in certain enumerated situations. The director can suspend, revoke, or deny the registration for those who fail to reasonably supervise a salesperson or an investment advisor salesperson.

In light of reported accounts of churning, unsuitable investments, and fraudulent practices involving securities sales, support has been expressed for increased regulatory authority.

**Summary:** Excessive securities transactions and unsuitable investments are codified as unlawful activities.

The director is authorized to censure or fine the securities company, or its officer, director, or partner for violations of enumerated provisions including a failure to reasonably supervise another person. The director is authorized to limit the company's business activity in the state.

A standard for reasonable supervision is established. A person does not fail to reasonably supervise another person when certain procedures are established and the person discharged his or her duties without cause to believe there is a violation.

The director is authorized to impose a fine not to exceed \$5,000 for each act or omission constituting a basis for certain violations. The fine cannot be imposed until after notice and opportunity for hearing.

**Votes on Final Passage:**

Senate 39 9  
House 97 0 (House amended)  
Senate (Senate refused to concur)  
House (House refused to recede)  
Senate 38 9 (Senate concurred)

Effective: July 25, 1993

ESB 5205

C 41 L 93

Modifying review of infant and child mortality rates.

By Senators Wojahn, Moyer, Sheldon, Erwin, Fraser, Winsley, Prentice, Niemi and Talmadge

Senate Committee on Health & Human Services  
House Committee on Health Care

**Background:** Due to a high rate of infant mortality in this state the Legislature authorized local health departments to create infant mortality review teams. The teams review infant deaths to identify and address the preventable causes of infant mortality.

All records, reports, and statements procured or used by the review teams are confidential. This material is protected from discovery in all legal proceedings. Local health department officials and employees, and review team members are immune from any legal proceedings which concern the mortality review.

It has been suggested that the process used in examining infant mortality cases may also be useful in examining and addressing the causes of death for children 18 years of age and younger.

**Summary:** Local health departments are authorized to conduct child mortality reviews for all deaths of children under age 18. The records and reports used for the reviews remain confidential and may not be discovered in any legal proceedings.

**Votes on Final Passage:**

Senate 45 2  
House 97 0

Effective: July 25, 1993

**ESB 5217**

C 110 L 93

Requiring compliance with chapter 39.12 RCW of public works.

By Senators Pelz, Jesernig, A. Smith, Prentice, Moore, Vognild, Winsley, Roach, Sutherland and Quigley

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

**Background:** A contractor must comply with the state prevailing wage law in the construction of any new facility built by a private party through a contract under which at least 80 percent of the facility will be rented, leased, or purchased for occupation by a state agency.

**Summary:** The statute governing prevailing wage and the construction of a new facility by a private party which is to be rented, leased or purchased by a state agency is repealed.

Any work, construction, alteration, repair or improvement, other than ordinary maintenance, that the state or a municipality causes to be performed by a private party through a contract to rent, lease or purchase at least 50 percent of the project by one or more state agencies or municipalities must comply with the prevailing wage law.

Projects with a call for competitive bids made before the effective date of the act are exempt.

**Votes on Final Passage:**

Senate 31 17  
House 56 41

Effective: July 25, 1993

**SB 5229**

C 116 L 93

Permitting the department of transportation and state patrol to adopt rules to govern state rest areas.

By Senators Vognild, Sellar, Skratek, Winsley and Oke

Senate Committee on Transportation  
House Committee on Transportation

**Background:** The Department of Transportation has rule-making authority to govern the use and control of rest areas. However, the department finds it cannot adequately control behaviors which may be disruptive to the general traveling public, such as loitering or suspected drug abuse by some individuals.

**Summary:** The Washington State Patrol is authorized to jointly adopt rules with the Department of Transportation governing not only the safety of the traveling public, but the conduct of the public at rest area facilities.

**Votes on Final Passage:**

Senate 46 0  
House 97 0

Effective: July 25, 1993

**SB 5233**

C 48 L 93

Specifying the fees allowed to prevailing parties for costs related to service of process.

By Senators A. Smith, McCaslin, Spanel, Nelson and Hargrove

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** To initiate a legal action it is necessary to personally serve the defendant or respondent to that action. In this process, many attorneys choose the option of using a registered process server. Such business organizations, registered with the county clerk, are often selected because of the difficulty of locating the defendant or because of the time sensitivity of the matter to the moving party.

Businesses engaged in this activity contend that their reasonable costs in effecting service are often disallowed in favor of the county fee allowance specified for service by the sheriff. Accordingly, a prevailing party may be denied the recovery of actual costs, thus rewarding a defendant that actively evades or obstructs proper legal service.



## 2SSB 5237

**Summary:** The court is granted express authority to allow costs of service by a public officer to the amount specified by law, or in the alternative, the reasonable costs of effecting service by a registered process server or other authorized person.

**Votes on Final Passage:**

Senate 49 0  
House 94 4

**Effective:** July 25, 1993

## 2SSB 5237

C 471 L 93

Regulating charitable solicitations.

By Senate Committee on Ways & Means (originally sponsored by Senators M. Rasmussen, A. Smith, Nelson, Winsley, Haugen, von Reichbauer, Oke, Roach and Spanel; by request of Attorney General and Secretary of State)

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

**Background:** Charitable organizations and fund raisers are required to register with the Secretary of State. Charitable trusts are required to register with the Attorney General.

Charitable solicitations are subject to various restrictions, including the requirement that the solicitation disclose the percentage of revenues disbursed for charitable purposes. Similar restrictions in other states have been invalidated by the U.S. Supreme Court on freedom of speech grounds.

In December of 1991 as the result of complaints about charitable fund raising, the Attorney General proposed to increase regulation of segments of the fund raising industry. The Attorney General asked for the civil authority to issue cease and desist orders, impose penalties, further educate the public about charities, and better regulate paid fund raisers.

**Summary:** The Charitable Solicitations Act is redefined, strengthened and new regulatory powers are granted to the Attorney General. A fund raiser is prohibited from falsely representing him/herself as a police officer, fire fighter or as being affiliated with a veterans' organization. Telephone harassment of potential donors is also prohibited.

Commercial fund raisers are required to identify themselves as such, and vending machines or collection boxes are required to indicate the charity benefitted. No law enforcement agency or association may be identified in fund-raising activities unless express written authority exists.

The Attorney General is granted civil enforcement authority to issue cease and desist orders and impose penalties for violations. It is a gross misdemeanor to falsely

claim to be a police officer, deputy sheriff or fire fighter in the course of a fund-raising solicitation.

All charitable fund raisers and charitable trusts are required to annually register with the Secretary of State, disclose their IRS status, report on their fund-raising activities and provide a report of monies used for charitable purposes.

An organization purporting to represent veterans' interests shall have its registration forwarded by the Secretary of State to the Director of Veterans' Affairs. The director may advise the Attorney General and Secretary of State regarding complaints concerning the charitable organization or other information pertaining to the registrant.

The Secretary of State may determine annual filing fees based on an organization's budget and tax status. Reporting and disclosure requirements are reduced for foundations associated with registered charities and government agencies. An annual report shall be published indicating the amount of money each organization registered directed to charitable purposes.

**Votes on Final Passage:**

Senate 45 0  
House 98 0 (House amended)  
Senate 41 0 (Senate concurred)

**Effective:** July 1, 1993

## 2SSB 5239

C 343 L 93

Centralizing poison information services.

By Senate Committee on Ways & Means (originally sponsored by Senators Wojahn, Prentice, Moyer, Deccio, Talmadge, Hargrove, Winsley, West and Erwin)

Senate Committee on Health & Human Services  
Senate Committee on Ways & Means  
House Committee on Health Care

**Background:** State law requires the Department of Health (DOH) to support a statewide program of poison and drug information services. The program is conducted through poison and drug information centers in Seattle, Spokane, Tacoma and Yakima. The centers, which are located in hospitals, provide emergency telephone assistance and treatment referral to victims of poison accidents and accidental exposures to toxic materials. They assess the patient, research the toxicity and exposure, determine appropriate management of the exposure situation, and provide treatment. The call volume to the centers exceeded 130,000 in 1992.

The state currently finances approximately 33 percent of the four centers' operating expenses (\$1,800,000 in the 91-93 biennium). The remaining amount comes from the host hospitals through in-kind contributions. The host hospitals have indicated that they are unable to continue to subsidize the program. In response, the Legislature di-

rected DOH to propose a plan of consolidation of the four centers into one center so that financial efficiencies could be obtained.

**Summary:** Legislative intent is clarified to emphasize the value of poison and toxic information centers in reducing health care costs by facilitating early intervention and treatment. The Secretary of the Department of Health (DOH) is required to consolidate the four existing poison and toxic information centers into one no later than June 30, 1993. The secretary is to decide the location of the consolidated center.

The responsibilities of the center are clarified and expanded. They include improving 24-hour emergency phone service, awareness of poison and overdose problems, occupational risks and environmental exposures, and coordinating outreach units whose functions are to educate the public on poison and toxic exposure issues.

DOH is required to develop a system for consultation and coordination with other state and local agencies involved in poison and toxic issues. The center is authorized to receive gifts, grants and endowments. A redundant section of the law concerning the powers and duties of the centers is repealed.

The bill is made contingent on funding being provided by June 30, 1993.

**Votes on Final Passage:**

Senate 48 0  
House 92 0

Effective: July 25, 1993

**SB 5241**

C 344 L 93

Making certain powers and duties of the gambling commission permissive.

By Senators Vognild, Newhouse, Moore and Prince

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

**Background:** The Gambling Commission is authorized to regulate and establish maximum limitations on the income derived from bingo. In addition, the commission may establish and regulate maximum limits on the salaries or wages paid to persons employed in connection with gambling activities conducted by bona fide charitable or nonprofit organizations and establish maximum limits for expenses incurred in connection with gambling activities conducted by charitable and nonprofit organizations.

Questions have been raised regarding whether the Gambling Commission's authority in these areas is mandatory or permissive.

**Summary:** The Gambling Commission's authority to establish maximum limits on income derived from bingo, the compensation paid to persons employed in connection

with gambling activities conducted by bona fide charitable or nonprofit organizations, and expenses incurred in connection with authorized gambling activities conducted by bona fide charitable and nonprofit organizations is deemed permissive and not mandatory.

**Votes on Final Passage:**

Senate 44 0  
House 96 0 (House amended)  
Senate 43 0 (Senate concurred)

Effective: June 1, 1993

**SB 5245**

C 328 L 93

Regulating the analysis of blood and breath alcohol.

By Senators A. Smith, Quigley, Roach and Winsley; by request of Washington State Patrol

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** Court proceedings regarding alcohol-related offenses are commonly time consuming. This is due, in part, to the need for testimony surrounding the exact amount of alcohol in a person's system at the time of the alleged offense. There are currently no time limitations for obtaining samples of blood or breath for analysis in alcohol-related offenses. Expert witnesses are required to testify in court as to their opinion on the level of intoxication of the defendant at the time of the alleged offense.

**Summary:** Any sample of a person's blood or breath taken within two hours of the alleged offense for the purpose of alcohol content testing, which indicates the person was legally under the influence of intoxicants, will be evidence that the person was also under the influence of intoxicants at the time of the alleged offense.

It is an affirmative defense to an alcohol-related offense if a person can prove by a preponderance of the evidence that he or she consumed a sufficient quantity of alcohol after the time of driving or being in actual physical control of a vehicle and before the administration of an analysis of the person's breath or blood so as to cause the person's alcohol concentration to be .10 or more.

Analyses of blood or breath samples which are obtained more than two hours after a person was alleged to be driving or in actual physical control of a vehicle may be used as evidence that the person had a blood/breath alcohol level of .10 or greater within two hours of the alleged driving or physical control of a vehicle.

**Votes on Final Passage:**

Senate 47 0  
House 92 4 (House amended)  
Senate 45 0 (Senate concurred)

Effective: July 25, 1993

**SB 5251**  
C 444 L 93

Requiring identification for the nonresident sales tax exemption.

By Senators Bauer, Snyder, Sheldon, Moore, Prentice, Sutherland, Jesernig, Rinehart and Winsley

Senate Committee on Ways & Means  
House Committee on Revenue

**Background:** Residents of a state, possession, or Canadian province that does not impose a sales tax of 3 percent or more are exempt from Washington sales tax on purchases in this state of tangible personal property for use outside this state. The exemption does not apply to meals, hotels, and services that are consumed in this state.

Proof of nonresident status consists of two pieces of identification, one of which must be an out-of-state driver's license or an identification card which has a photograph of the nonresident. The identification must show the nonresident's address and have as one of its purposes the establishment of residency in the out-of-state jurisdiction.

Currently, residents of Alaska, Delaware, Montana, New Hampshire, Oregon, American Samoa, Guam, North Mariana Islands, Puerto Rico, Yukon, Virgin Islands, and the Canadian Province of Alberta qualify for exemption under this statute.

**Summary:** Acceptable proof of nonresident status is limited to one piece of identification such as a driver's license.

**Votes on Final Passage:**

Senate	45	0	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House	95	0	(House receded)

**Effective:** July 25, 1993

**SSB 5255**  
C 49 L 93

Providing for evaluation and transfer to the parks and recreation commission of land acquired by the state by escheat.

By Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Barr, Talmadge, Bluechel and Haugen)

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

**Background:** When a person dies without leaving a will or family members who may receive the person's estate through the intestate succession laws (deceased without a will), the person's estate escheats to the state. Washington law provides that land which escheats to the state is to be

administered by the Department of Natural Resources. The department may elect to dispose of the property through public auction. Alternatively, upon approval of the Board of Natural Resources, the department may transfer lands without public auction, including transfer to another public agency. In such circumstances, at least fair market value must be paid for the property.

**Summary:** The Department of Natural Resources notifies the state Parks and Recreation Commission when land is acquired by escheat and may be suitable for park purposes. The department and commission jointly evaluate the land's suitability for park purposes. If they determine that it is suitable, it is offered initially to the commission for transfer. If the commission declines to accept the land, it is offered to the local park agency. Payment by the recipient agency shall not exceed the department's costs of managing and protecting the land.

Where heirs are identified as to escheat lands previously transferred for park purposes, the fair market value of the property is paid to the heirs. The value is determined by an independent appraisal and excludes the value of physical improvements made by the state park or local park jurisdiction. The Department of Natural Resources may use the park suitability evaluation procedures to review escheat lands received by the state since January 1, 1983.

**Votes on Final Passage:**

Senate	40	9
House	97	0

**Effective:** July 25, 1993

**ESB 5260**  
C 282 L 93

Requiring salmon food fish to be labeled by its source and common name.

By Senators Spanel, Owen, Oke, Haugen, Hargrove and Snyder

Senate Committee on Natural Resources  
House Committee on Fisheries & Wildlife

**Background:** There are several species of salmon and their flavors and textures vary greatly. Consumers do not always know what type of salmon they are buying, nor do they always know its source. There are no laws which address the labeling of salmon.

**Summary:** Except for commercial fishers selling fish to fish buyers, all fresh and frozen salmon will be identified with its common species name and its source (farmed or commercially caught). Minced, pulverized, batter-coated or breaded salmon is exempt.

Violation of this law is a misdemeanor. However, a person who receives misleading or incorrect information

and who subsequently labels salmon using this information is not guilty of a violation.

The Director of the Department of Agriculture is directed to consult with the Director of the Department of Fisheries to adopt rules.

**Votes on Final Passage:**

Senate	44	1	
House	98	0	(House amended)
Senate	46	0	(Senate concurred)

**Effective:** July 25, 1993

**SSB 5261**

C 210 L 93

Modifying the background check requirement on persons providing services for physically disabled or mentally impaired persons.

By Senate Committee on Health & Human Services (originally sponsored by Senators Fraser, Deccio and Talmadge)

Senate Committee on Health & Human Services  
House Committee on Human Services

**Background:** The Secretary of the Department of Social and Health Services (DSHS) must investigate the criminal records of persons the state may hire to care for children, the mentally ill and individuals with developmental disabilities. Agencies licensed by the state to serve these groups must also have a criminal background check performed on applicants whose work will involve contact with vulnerable people. This information must be used to determine the suitability of the applicant for employment. Applicants who have committed certain crimes, including crimes against children or other persons or crimes relating to financial exploitation, cannot be employed if they will have contact with vulnerable populations.

There are no similar provisions for those individual service providers who are paid by the state, but who are hired directly by individuals with physical disabilities, mental illness or mental impairment, or their guardians, under individual provider programs such as COPES and chore service.

Criminal record checks are provided by the Washington State Patrol (WSP). There is interagency cooperation between DSHS and the WSP which allows DSHS to obtain this information directly at no additional cost to the WSP. Investigations that require checking FBI files cost the WSP more to perform.

**Summary:** The Secretary of the Department of Social and Health Services must investigate the criminal record of individual providers of in-home services who are paid by the state, but who are hired by persons with developmental disabilities, physical disabilities, mental illness or mental impairment. This information must be provided to the person who hired the provider, and that person's legal guard-

ian, if any. The individuals seeking the services of individual providers make the suitability and hiring determinations about those individual providers. If necessary, persons may be employed on a conditional basis.

This act applies prospectively only, but individuals who currently employ individual providers paid by the state may be given the option to request a background check by DSHS during reassessment for services.

**Votes on Final Passage:**

Senate	45	0	
House	98	0	(House amended)
Senate	39	0	(Senate concurred)

**Effective:** July 25, 1993

**SSB 5262**

C 40 L 93

Modifying composition of the beef commission.

By Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen and Barr)

Senate Committee on Agriculture  
House Committee on Agriculture & Rural Development

**Background:** The Washington State Beef Commission receives 50 cents of the \$1 assessment that is collected on the sale of cattle in the state. The money is expended by the Washington Beef Commission for beef promotional programs, research into more efficient beef production methods, feed transportation studies and beef labeling programs.

The commission is composed of ten voting members including three beef cattle producers, two dairy cattle producers, three feeders, one livestock saleyard operator, and one meat packer.

**Summary:** The Beef Commission is reduced to five members, one person to represent each of the five segments of the industry.

**Votes on Final Passage:**

Senate	49	0
House	97	0

**Effective:** June 1, 1993

**SSB 5263**

C 345 L 93

Regulating the marketing of milk.

By Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Anderson, Barr and Bauer)

Senate Committee on Agriculture  
House Committee on Agriculture & Rural Development

**Background:** The United States Department of Agriculture has managed milk pricing and pooling orders in Wash-

ington 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 1991 Washington State milk marketing regulations were amended to authorize the creation of a milk pooling and pricing program. Since the passage of the enabling legislation, a referendum of milk producers and dealers was taken to determine whether a marketing order would be established in this state. The vote was in the affirmative; however, a similar vote in Oregon failed to achieve the required number of votes. This state's plan is contingent on having a two-state order which would require close cooperation between Oregon and Washington.

A number of statutory modifications have been suggested based upon the work done during the last year by the Department of Agriculture and the dairy industry in developing a milk marketing order.

**Summary:** The focus of the milk marketing order is modified to specifically include prevention of the disorderly marketing of milk.

Out-of-state producers who sell milk in Washington are considered producers for coverage under the marketing order.

The marketing plan is to cover both fluid milk and milk for the production of other milk products.

Milk dealers are given a vote in the termination proceedings of a pooling arrangement.

A new assessment on milk is authorized to fund milk testing services which are not paid by the milk dealer. The assessment is to be capped at three cents, collected by the milk dealers, and may only be used to provide for the testing of milk at state-certified laboratories.

Also, milk dealers who believe that competition from outside of the marketing area is having a significant economic impact on the milk dealer may petition the director for a public hearing. If such a petition is made, the director is required to respond promptly.

The Department of Agriculture is entitled to contract for services to administer the pooling arrangement.

In establishing a milk pricing formula, one of the factors to be considered by the director is the economic impact on milk dealers.

The director is not allowed to set wholesale or retail prices for milk. The director's power for establishing quotas is broadened. In establishing a minimum price for milk, the director is to consider the impact on milk dealers. The director is not required to adopt a market pooling plan if, after public hearing, lack of regulation in neighboring states makes the plan impractical.

**Votes on Final Passage:**

Senate 43 2  
House 96 0 (House amended)  
Senate 40 0 (Senate concurred)  
Effective: July 25, 1993

**SB 5265**

C 22 L 93

Modifying funeral expenses of a deceased person.

By Senators Snyder, Winsley, A. Smith, Bauer, Hochstatter, Gaspard, L. Smith, Loveland, Vognild, Skratek and Pelz

Senate Committee on Ways & Means  
House Committee on Appropriations

**Background:** The right and responsibility for the disposition of the remains of a deceased person belong to the decedent's family, unless the decedent has left other instructions. The liability for burial devolves upon the family of the decedent in the following order: surviving spouse, surviving children, and surviving parents. A decedent's family is liable only for interment or cremation and is not liable for preparation and care of the remains, and other related services.

The state may assume responsibility for the preparation, care and disposition of the remains of a decedent whose assets do not include sufficient resources to pay for a minimum standard funeral and interment. The maximum assistance available is \$1,127, which includes \$691 for preparation and funeral services, and \$436 for burial and purchase of a plot. Prior to 1992, in determining the state's liability, the Department of Social and Health Services had authority to consider the assets of a surviving spouse or parent, but not the assets of surviving children, or of parents unless the decedent was a minor child. In 1992, the Legislature authorized the department to consider the assets of surviving parents or children when determining the state's liability for funeral and interment costs. However, it did not require the department to do so.

**Summary:** The Department of Social and Health Services is required to consider the assets of parents or children when determining whether or not the state will assume responsibility for costs associated with the funeral and interment of a deceased person.

**Votes on Final Passage:**

Senate 48 0  
House 98 0  
Effective: July 25, 1993

**SSB 5270**

C 472 L 93

Creating a department of financial institutions.

By Senate Committee on Labor & Commerce (originally sponsored by Senators Moore, Prentice and Amondson)

Senate Committee on Labor & Commerce  
House Committee on Financial Institutions & Insurance  
House Committee on Appropriations

**Background:** State-chartered financial institutions are regulated by two separate divisions within the Department of General Administration. The Division of Banking charters, examines, and regulates state-chartered commercial banks, savings banks, trust companies, and alien institutions. In addition, the Division of Banking licenses consumer loan companies and check cashers and sellers. The Division of Savings and Loan charters, examines, and regulates state-chartered credit unions and savings and loan associations. Both divisions maintain their own administrative and examination staff.

A recent report by an industry advisory panel to the Department of General Administration recommends the consolidation of these two divisions into a new department with an advisory board. The panel recommends the new department contain the following divisions: a division for the regulation of all FDIC-insured institutions, a division for the regulation of credit unions, and a division for consumer affairs to regulate consumer loan companies and check cashers and sellers.

The panel cited several reasons for its recommendations. By being devoted solely to the regulation of financial institutions, the new department will have increased visibility and concentration concerning regulatory issues. The combination of similar functions also is anticipated to improve the quality and efficiency of the regulatory process.

**Summary:** The Department of Financial Institutions is created.

The director of the department is appointed by the Governor. The director is vested with all powers and functions currently possessed by the Department of General Administration, the Supervisor of Banking, and the Supervisor of Savings and Loan with respect to the entities regulated by the Divisions of Banking and Savings and Loan.

In addition, the regulatory authority of the Securities Division within the Department of Licensing is transferred to the Department of Financial Institutions. The Division of Securities is to be funded by an appropriated, dedicated fund into which 13 percent of all monies received by the division are deposited with the remainder going to the general fund. Monies deposited in the fund may only be used for the expenses of regulation performed by the Division of Securities.

The directors of the Departments of General Administration and Licensing are directed to take those steps nec-

essary to implement the new department by October 1, 1993.

**Votes on Final Passage:**

Senate	48	0	
House	77	21	(House amended)
Senate	46	0	(Senate concurred)

**Effective:** October 1, 1993

**SB 5275**

C 67 L 93

Authorizing nonprofit corporations to restore, maintain, and protect abandoned cemeteries.

By Senators Oke, Haugen and Winsley

Senate Committee on Government Operations  
House Committee on State Government

**Background:** To facilitate the restoration, maintenance and protection of abandoned cemeteries, the Archaeological and Historical Division of the Department of Community Development may grant certificates of authority to preservation organizations. A preservation organization must be incorporated for the purpose of restoring, maintaining, and protecting abandoned cemeteries. A certified preservation organization may hold and possess burial records, maps and other historical documents, but may not make burials unless authorized by the Cemetery Board. Preservation organizations are not liable for any reasonable alterations made during restoration work.

Public service organizations such as scout troops may not be granted certificates to restore or preserve abandoned cemeteries, because they are not incorporated "for the purpose of restoring, maintaining and protecting abandoned cemeteries."

**Summary:** The Archaeological and Historical Division of the Department of Community Development may grant, in its sole discretion, nontransferable certificates authorizing any nonprofit corporation which is not incorporated for the purpose of restoring, maintaining and protecting abandoned cemeteries to restore, maintain and protect one or more abandoned cemeteries. This authority may include the right of access to any burial records, maps and other historical documents, but not the right to become the permanent custodian of original records, maps or documents. Authorized organizations are not liable for any reasonable alterations made during restoration work. The Department of Community Development shall establish standards and guidelines for granting certificates of authority to assure that authorized work is conducted and supervised in an appropriate manner.

**Votes on Final Passage:**

Senate	49	0
House	98	0

**Effective:** July 25, 1993



**ESB 5280**

C 346 L 93

Creating a certification program for contractors.

By Senators Hargrove, Erwin, Owen, Sutherland and Jesernig

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

**Background:** The state does not require any evidence of competency, experience, or training in order to become a registered contractor. In hiring a registered contractor, a customer is assured only that a general contractor has posted a statutory bond of \$6,000, or \$4,000 if a specialty contractor, and that the contractor has met certain other tax and business legal requirements.

Some states issue licenses to contractors based on a certain showing of competency or minimum training requirement.

**Summary:** The Director of the Department of Labor and Industries is directed to conduct a study to determine whether increased regulation of contractors is necessary, such as a voluntary certificate of competency program. The study is conducted in consultation with the industry and consumers.

The results are to be reported to the appropriate legislative committees by February 1, 1994.

**Votes on Final Passage:**

Senate 37 4  
House 63 33 (House amended)  
Senate 40 7 (Senate concurred)

**Effective:** July 25, 1993

**2SSB 5288**

C 130 L 93

Extending the expiration date of the solid waste collection tax.

By Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Talmadge and Haugen; by request of Department of Ecology)

Senate Committee on Ecology & Parks  
Senate Committee on Ways & Means  
House Committee on Environmental Affairs  
House Committee on Revenue

**Background:** In 1989, in response to the shortage of land-fill space and the growing need for solid waste management, the Comprehensive Solid Waste Management Act was established. The plan set solid waste management priorities including recycling and processing mixed waste. A statewide goal of 50 percent was set for recycling.

The Solid Waste Management Act established an additional solid waste collection tax. The solid waste collection

tax assessed is 1 percent of the fee charged for solid waste collection and disposal. The tax is imposed on each person using the services of a solid waste collection or disposal business. The solid waste collection tax expires on July 1, 1993.

**Summary:** The expiration date for the solid waste collection tax is extended from July 1, 1993 until July 1, 1995.

The uses of the revenues from the solid waste collection tax are specified. The funds may be used for grants to local governments to develop and implement waste reduction and recycling programs, enhance markets for recycled content products, and for the disposal of contaminated household used oil. The account may also fund Department of Ecology programs to provide technical assistance to local governments in developing and implementing local solid waste management programs, and to conduct research and studies regarding solid waste management activities.

It is clarified that revenues from the solid waste collection tax are expanded to include the administration and collection of the tax.

**Votes on Final Passage:**

Senate 31 17  
House 74 22

**Effective:** July 1, 1993

**SB 5290**

C 205 L 93

Reducing the tax burden on free hospitals.

By Senators Wojahn, Snyder, Moyer, Sellar, Bauer, McCaslin, Deccio, Vognild and Winsley

Senate Committee on Health & Human Services  
House Committee on Revenue

**Background:** Sales to hospitals of tangible goods which are used to operate the hospital or provide health care services are subject to retail and use taxes. Certain items, such as prescription drugs and prosthetic devices, are currently exempt.

**Summary:** Free hospitals are defined as those which do not charge patients for health care. These hospitals are exempt from retail and use taxes on items sold to them for the reasonably necessary operation of and provision of health care.

**Votes on Final Passage:**

Senate 49 0  
House 88 9

**Effective:** May 6, 1993

**SB 5300**  
**FULL VETO**

Promoting economic development.

By Senators Skratek, Erwin, Williams, M. Rasmussen, Sheldon and Winsley

Senate Committee on Trade, Technology & Economic Development

House Committee on Trade, Economic Development & Housing

**Background:** Washington's economy is increasingly shaped by global competition as other countries and states seek to safeguard and improve their economic well-being. The joint Legislative Committee on Economic Development, created in 1985 to provide consistent involvement of the Legislature in economic development issues, has not met since 1986. A consensus approach to economic development would allow the executive branch and the Legislature to jointly address evaluation and strategic planning needs and lay the policy groundwork for the public-private partnerships necessary to long-term diversification efforts.

**Summary:** The Executive-Legislative Committee on Economic Development is created. The committee consists of six Senators, six Representatives, the Governor and five gubernatorial appointees.

The committee will assist in developing a comprehensive and consistent economic development policy for the state. Its work will include evaluating existing policies and programs, monitoring economic trends and sectors, and developing strategic plans and legislative proposals.

The joint Legislative Committee on Economic Development is abolished.

**Votes on Final Passage:**

Senate	46	2	
House	92	0	(House amended)
Senate	36	4	(Senate concurred)

**VETO MESSAGE ON SB 5300**

May 18, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval Senate Bill No. 5300 entitled:

"AN ACT Relating to economic development;"

I am a strong supporter of collaboration in policy-making in economic development as in other areas. I agree with the Legislature that economic development policy can benefit from closer collaboration between the state and the private sector, between independent officials and panels, and between the executive and legislative branches. A strong economy is in everyone's interest, and collaborative efforts to achieve it are worthwhile.

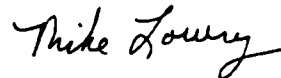
However, the coming year will present difficult management challenges for state economic development efforts. The departments of Trade and Economic Development and Community Development will be working together to establish a new Department of Community, Trade, and Economic Development,

working with a wide range of affected parties. The budget reductions in both departments will also be quite demanding, and the budget contains no specific funding to support this bill. As a result, the process proposed in this legislation could not be undertaken in an effective manner this year.

In addition, while efforts to encourage collaboration between the Legislature and the Governor, and between the public and private sector are valuable, the process envisioned in this legislation is overly complex and would be difficult to operate effectively.

For these reasons, I have vetoed Senate Bill No. 5300 in its entirety.

Respectfully Submitted,



Mike Lowry  
Governor

**SB 5302**  
**C 117 L 93**

Concerning food fish and shellfish rules.

By Senators Owen, Hargrove and Oke

Senate Committee on Natural Resources  
House Committee on Fisheries & Wildlife

**Background:** Private tideland owners or lessees may take unlimited amounts of shellfish such as oysters, clams, cockles, borers or mussels from private tidelands or leased state tidelands.

Some tideland owners or lessees desire to allow family members to take unlimited quantities of shellfish from their tidelands.

**Summary:** Immediate family members of tideland owners or lessees may take unlimited quantities of shellfish from private or leased tidelands. Immediate family member is defined to include spouse, brother, sister, grandparent, parent, child or grandchild.

**Votes on Final Passage:**

Senate	46	0
House	93	0

**Effective:** July 25, 1993

**E2SSB 5304**  
**PARTIAL VETO**  
**C 492 L 93**

Reforming health care cost control and access.

By Senate Committee on Ways & Means (originally sponsored by Senators Talmadge, Gaspard, Moore, Deccio, Wojahn, Moyer, Snyder, Winsley, Fraser, Haugen, McAuliffe, Drew, Sheldon, Skratek and Pelz)

Senate Committee on Health & Human Services

Senate Committee on Ways & Means  
House Committee on Health Care  
House Committee on Revenue

**(NOTE: CONTAINS THE EFFECT OF ESB 5076)**

**Background:** During the 1990 legislative session, House Concurrent Resolution 4443 was passed creating the Washington Health Care Cost Control and Access Commission. The commission was charged with recommending changes to health care financing, payment and legal systems necessary to contain health care costs, changing medical malpractice and liability practices, and ensuring universal access to health services for all Washington residents. The commission's final report was issued on November 30, 1992.

The commission found that Washington residents with adequate health insurance receive some of the most technologically advanced medical care in the world. Yet, they found the health system is in trouble. Costs are rising at two to three times the general inflation rate. At the same time, 550,000 to 680,000 Washington residents (11 to 14 percent of the state's population) do not have health insurance. Moreover, the current system emphasizes treating illnesses and injuries rather than addressing the underlying causes of health problems.

The commission determined that the goal of the state's health system should be to maintain or improve the health of all residents at a reasonable cost. To achieve this goal, the commission recommended comprehensive and fundamental reform. The reformed system should encourage healthy behaviors, enhance the efficient delivery of health services, promote prudent use of services by consumers, and equitably distribute the costs. The commission believed that a substantial majority of the state's population should receive health services through managed health care systems, integrated delivery systems that manage care and assume financial risk for providing appropriate health benefits cost effectively.

**Summary: Basic Health Plan Transfer and Expansion.** The Basic Health Plan (BHP) is moved, for administrative purposes, to the Health Care Authority. Enrollment is expanded statewide during the 1993-1995 biennium to those not eligible for Medicare whose gross family incomes are below 200 percent of the federal poverty level (\$28,700 for a family of four).

Any individual not eligible for subsidized enrollment in the BHP may purchase BHP or have their employer or other sponsor pay no less than 50 percent of the premium to help them purchase BHP enrollment, so long as the full cost of the program, including state administrative costs, are paid.

Prescription drugs and medications are included among the benefits offered by the BHP.

On July 1, 1995, managed care plans within the BHP must become certified health plans as regulated by the Insurance Commissioner under guidelines established by

the Health Services Commission. The uniform benefits package established by the commission must be offered to the BHP enrollees, effective on that date.

Any state subsidy provided through the BHP must be for the benefit of an enrollee or dependents. It may not be used to reduce an employer's obligation to pay 50 percent of the premium. This limitation does not apply to tax credits or other subsidies provided in these acts for small businesses. The BHP must continue the current premium pricing structure of the program. For purposes of determining the financial obligation of an employer who might opt to secure coverage for employees through the BHP the amount will be the per adult, per month cost of the plan, including administration.

**Consolidated State Health Care Purchasing.** The State Employee Benefits Board is renamed the Public Employee Benefits Board. Effective January 1, 1995, the membership is expanded from seven to nine. One state employee representative is removed, and one school district employee, one retired school district employee, and one additional person with experience in health benefit management and cost containment are added.

School district employees are added to those whose health benefit plans are developed by the Public Employee Benefits Board and purchased by the Health Care Authority.

After December 31, 1996, ferry system employees must enroll in certified health plans.

Public employee eligibility for benefits and benefit plans must remain substantially equivalent to those offered to state employees on January 1, 1993.

The Health Care Authority (HCA) must offer at least two Medicare supplemental insurance policies to retired or disabled public employees by January 1, 1994. In addition, if Medicare waivers are not received to implement this act by January 1, 1995, these Medicare supplemental policies must be made available for purchase at full cost through the Health Care Authority to any state resident eligible for Medicare.

The Health Care Authority is designated as the single state health services purchasing agent. By July 1, 1995, the Basic Health Plan, state employee health benefit plans and school district benefit plans must be placed into a single community rated risk pool. The Governor must seek federal waivers to place all medical assistance programs into the same risk pool at the earliest opportunity. Certain powers to bring uniformity to billing, eligibility procedures, access to service providers and other matters are granted to the HCA.

**Washington State Group Purchasing Association.** The Health Care Authority must establish a group purchasing association for various health and human services providers who are under contract with the state, and who wish to jointly purchase health insurance for their employees. These include foster parents, nonprofit social service agencies, day care centers, chore services providers and

others. No state funds may be used to subsidize the association, and it is terminated in 1998.

**Community Health Centers Transfer.** State funding for the state's network of community and migrant health centers is transferred from the Department of Health to the Health Care Authority. The Authority must recommend ways of including the centers in certified health plans and ensuring the delivery of health services to persons of color in an amount equivalent to their proportion in the population. The Authority, in consultation with the department, must work with the community health centers regarding expansion of services to persons of color and underserved people through managed care.

**Public Health Governance.** Effective July 1, 1995, the responsibility of governance of local public health boards is placed solely with counties or groups of counties which may form health districts. City and town membership is removed. Some 2.95 percent of the motor vehicle excise tax currently distributed to cities is redirected to county health departments, based on population.

The city representative on the state board of health is replaced by an additional county official.

The Association of Cities, the Association of Counties and the Association of County Officials are requested to study the changes in local public health governance and to make recommendations by March 1, 1994.

**Health Data.** The Health Services Commission must provide policy direction and oversight for the state Department of Health's development, implementation and custody of a statewide health care data system. The commission may establish a technical advisory committee on health data and may recommend that the department contract with a private vendor for all or parts of the data system.

The data system must include elements related to the cost, quality and outcomes of health services. All entities providing or financing the provision of health services may be required to report data into the system. The Health Department must produce reports and analyses useful to consumers on the cost, quality and outcomes of health services and certified health plans.

Health data reported to the state for the purposes of the act are protected from disclosure by various confidentiality requirements.

**Disclosure of Hospital, Nursing Home and Pharmacy Charges.** Requirements are established for the disclosure of all hospital, nursing home and pharmacy charges to patients and health care providers.

**Health Provider Shortages and Primary Care.** The Higher Education Coordinating Board and certain other agencies may establish award amounts and locations for the health professions scholarship and loan repayment program. The Department of Health may make financial awards to urban and medically underserved communities to recruit and retain health professionals. The Department of Health may develop a mechanism for rural and medi-

cally underserved communities to contract for health professions with training and education programs.

The Department of Health program to pay medical malpractice premiums for retired physicians practicing in community clinics is expanded to include other primary care providers, including, dentists, physician assistants, advanced registered nurse practitioners, naturopaths and other health professionals deemed to be in short supply in the health personnel resource plan developed according to Chapter 28B.125 RCW.

The University of Washington must prepare a primary care shortage plan with a goal of increasing to 50 percent the number of Washington residents who enter primary care residencies in Washington by the year 2000. Other goals related to improving the education and practice of primary care providers from the University of Washington are also required. These include establishing a joint American Medical Association and American Osteopathic Association training track for primary care providers, in conjunction with a community health center.

**Short-Term Health Insurance Reforms.** Until the restructuring of health insurance required under certified health plan requirements is implemented, the act provides several immediate changes in health insurance practices.

Current insurance practices are modified, effective January 1, 1994, to: restrict the use of pre-existing condition limitations; permit coordination of health benefits while retaining cost-sharing features; improve disclosure to people whose policies are cancelled or modified; prohibit cancellation or nonrenewal policies because a person's health deteriorates; and prohibit insurers from offering a new policy to only healthy people for the purpose of isolating unhealthy people in older and subsequently more expensive policies.

**Health Services Commission.** The Washington Health Services Commission is created as a five member, full-time body, reflecting racial and ethnic diversity, appointed by the Governor with the consent of the Senate. The state Insurance Commissioner is an additional, nonvoting member. The Governor must select the chair who serves at the Governor's pleasure.

The commission chair must appoint four advisory committees including committees on technical services, small business, labor and a general advisory committee. Committee sizes, duties and membership requirements are defined.

The commission must ensure that all state residents are enrolled in a certified health plan, and that all state residents have access to appropriate and effective health services. The commission may modify the boundaries of certified health plans or authorize state agencies to contract for health services not available through certified health plans in order to assure access to services for all residents.

The commission must adopt rules related to the coordination of benefits where a resident or any dependent may have duplicate coverage.



The commission must establish, and after January 1999, may periodically modify the uniform health benefit package. Until then, the package must be the benefit and actuarial equivalent of the Basic Health Plan with additions specified for medications, reproductive services, children's preventive dental care, and managed mental health care, and chemical dependency treatment. The package must be offered to all enrollees in certified health plans for no more than the maximum premium established by the commission.

The initial maximum premium for the uniform benefit package and its initial growth rate are established. Thereafter, the premium's rate of growth is reduced by 2 percentage points each year until it reaches the growth rate in the five year rolling average of personal income in Washington. Procedures are established for adjusting the maximum premium to account for changes in services within the uniform benefit package.

In addition, the commission must establish a set of uniform health services to which all residents should be ensured access including the uniform benefit package and public health services.

The commission must establish standards for capital expenditures among certified health plans, health care facilities and providers which must be used after June 1, 1995 to approve projects for funding under the Health Care Facilities Authority.

The commission must establish limits on maximum enrollee financial participation related to enrollee household income, set standards for certified health plans and health insurance purchasing cooperatives, establish requirements for uniform billing and claims processing, and establish other guidelines and requirements. A preliminary set of such rules must be submitted to the Legislature by December 1, 1994.

The commission must develop and recommend a medical risk distribution scheme for certified health plans by December 1, 1994. If not disapproved by the Legislature, the scheme may become effective.

The commission must study Taft-Hartley health care trusts and recommend ways of bringing them under the provisions of this act when it is fully implemented. Pending future legislation these trusts are exempt from the provisions of this act.

The commission must establish guidelines for providers dealing with treatment for terminal or static health conditions.

The commission must develop rules governing the application of this act for persons who live or work in this state, but who work or live outside of this state.

Upon advice from the technical services advisory committee, the commission must adopt rules governing how certified health plans, disability insurers, health maintenance organizations and health care service contractors determine whether a procedure, treatment, drug or other health service is no longer experimental or investigative.

The commission must evaluate and develop strategies regarding access to health services by racial and ethnic minorities.

The commission must establish standards and monetary penalties prohibiting health care provider investments and referral practices which constitute a conflict of interest.

If the commission finds the economic viability of a significant number of the state's certified health plans is threatened, it may adjust the maximum premium these plans may receive on an emergency basis. Procedures are established for legislative and the Governor's review and approval of such an emergency adjustment.

The commission must study the feasibility of a residency based, single or limited payer system, and report its recommendations to the Governor and the Legislature by July 1, 1995.

The commission must study and report on the feasibility of offering employer-funded medical care savings accounts and high deductible insurance policies as a choice for public employees.

Seasonal workers and their employers are exempt from the act. Seasonal workers are those working for one or more employers for six months or less; and at least half-time per month in the same industry sector, including food processing, agricultural production or harvesting, plantation Christmas tree planting, and tree planting on timber land. The commission will make recommendations, December 1994, as to how seasonal workers and their employers may be brought under the act.

**Medical Malpractice and Liability.** A series of changes are made regarding medical malpractice. Providers within certified health plans must have malpractice insurance and risk management training. Other changes include: increasing penalties for unprofessional conduct and practicing without a license; strengthening medical malpractice prevention programs; quality assurance committees within health facilities; and improving sanction and grievance procedures.

The Administrator for the Courts must coordinate a voluntary effort to establish medical malpractice reviews of cases prior to filing. All malpractice cases must complete such reviews and are subject to mandatory mediation, prior to trial.

If multiple parties are at fault in a malpractice suit, judges or juries may assign liability severally to guilty parties, within limitations and exceptions provided in the act.

**Health Insurance Purchasing Cooperatives.** The commission must designate four geographic regions in the state. Within each region a single health insurance purchasing cooperative may be designated, provided that it will serve no less than 150,000 persons.

Each cooperative must admit any individual or group within their region wishing to join, offer every certified health plan within its region to all co-op participants, be operated as a member owned and governed nonprofit co-

operative, provide for centralized enrollment, billing and premium collection, and serve as an ombudsman for co-op members.

Cooperatives must assist their members in selecting certified health plans by establishing rating systems or other evaluative tools. Cooperatives must be self-sustaining through fees charged to participants. They may not bear financial risk for the delivery of health services.

**Certified Health Plans.** The state Insurance Commissioner must issue a certificate to and regulate an entity seeking to meet requirements as a certified health plan. These requirements include meeting certain financial solvency and liquidity requirements and other specified items.

However, disability insurers, health maintenance organizations and health care service contractors are certified health plans under the act, so long as they comply with the general standards established.

Notwithstanding any provisions of Title 48 RCW which may conflict, all certified health plans must meet a series of requirements including (a) offering the uniform benefit package through managed care arrangements for the maximum premium on an open enrollment basis to any state resident within their chosen geographic area, (b) prohibiting balance billing, (c) permitting, within certain limits, every category of provider within whose scope of practice uniform benefit services fall to provide services, (d) providing coverage regardless of pre-existing or prior conditions, and (e) reporting the salaries of their executive officers.

Limited certified health plans for dental services are created. They must meet certified health plan requirements for managed care, community rating, portability and non-discrimination. However, they may offer dental service directly to employees of an employer. If they do, the employer need not provide required dental services within their uniform benefit package. In addition, limited certified health plans for dental services may offer the dental services under a contract with a certified health plan.

Certified health plans must submit rates for the uniform benefit package and for supplemental benefits prior to use. Rates, enrollee point of service cost sharing, maximum enrollee financial participation levels and other information must meet standards established by the commission. The Insurance Commissioner may disapprove filings within time periods specified in the act.

**Registered Employer Health Plans.** An employer of more than 7,000 full-time employees in this state may meet the requirements to become a registered employer health plan if they (a) provide the uniform benefit package to their employees on a prepaid, community rated, capitated basis for no more than the maximum premium established by the commission, (b) offer supplemental benefits on a community rated basis according to rules adopted by the commission, (c) do not discriminate in the offering on account of age, sex, family structure, ethnicity, health condition, socioeconomic status or other condition, (d) pro-

hibit balance billing by providers and meet other conditions similar to those established for certified health plans.

**Contracts Between Certified Health Plans and Providers.** The commission must establish rules requiring certified health plans to publish general criteria for selection and termination of providers. If a certified health plan uses unpublished performance criteria to reject a provider participating in a plan, the provider may not be rejected until informed of the criteria and given an opportunity to conform.

The Attorney General and the Insurance Commissioner must periodically assess the market power of certified health plans to determine when the plans' exclusion of providers may result in the providers' substantial inability to continue practice, thereby reducing access to care. In such cases, plans must contract with all providers within their area, unless the plans can show the Attorney General and the commission that such a requirement would substantially lessen their ability to control costs. If such a showing is made, the plans need not include all providers within their areas.

**Managed Competition and Limited Anti-Trust Immunity.** Legal actions taken under the act which may reduce competition in the health care market are protected under state law and, under the state action doctrine, from federal prosecution of anti-trust laws. Certain specific anti-trust activities are proscribed.

The commission must adopt rules governing conduct among providers, facilities and certified health plans to protect competition and ensure choice, especially in rural areas. These shall include rules permitting providers in a given area to collectively negotiate the terms and conditions of their contracts with certified health plans, including the right to meet and communicate for the purpose.

Procedures are established for providers, facilities and plans to receive advice from the state regarding the legality of specific acts they are contemplating which may violate anti-trust laws.

**Small Business Economic Impact Statement.** The commission, with consultation from their small business advisory committee, must submit a small business impact statement in December 1994, outlining the economic impact of the employer mandate to help purchase insurance for employees in businesses with less than 25 employees. The statement must include the results of a survey of small businesses.

If the statement indicates a need to address the economic impact on small business, the commission must submit recommended strategies to address the need including changing the level of coverage provided, employer participation, coverage requirements for dependents or other strategies.

**Household Income Analysis.** The commission must also submit an analysis of the impact of employee premium contributions on households with family incomes below 200 percent of the federal poverty level.



**Supplemental and Additional Benefits, Negotiations.** Nothing in the act precludes insurers, health maintenance organizations, health care service contractors or certified health plans from insuring, providing or contracting for benefits not included in the uniform benefit package or in supplemental benefits.

Nothing precludes an entity from negotiating for services or levels of service not included within the uniform benefits package including negotiating for up to 100 percent of the premium price of the lowest priced certified health plan in a geographic area. However, only certified health plans may offer insurance for supplemental benefits.

Nothing in the act shall be construed to affect the bargaining rights of employee organizations as may be provided under federal law.

After July 1, 1999, no property or casualty policy may provide first-party coverage for health services within the uniform benefit package.

**Conscience or Religion.** Certified health plans or health care providers who object to delivering uniform benefit package services on grounds of conscience or religion need not do so, and may not be discriminated against for this reason. Certified health plans must provide information to enrollees if such refusals might occur and direct enrollees to other providers who provide such services.

Certified health plans may not discriminate against providers in offering uniform benefit package services, but may use the most cost effective and clinically efficacious treatments.

**Long-Term Care.** The commission must submit a plan to integrate long-term care within health care reform by January 1, 1995. The plan must include two social and health maintenance pilot projects.

In addition, the Department of Social and Health Services must seek federal waivers for a long-term care partnership program in which private funds and Medicaid funds will be used. Under terms of the waiver, private insurance may be used to shield an individual's assets from the spend down provisions which the federal Medicaid program now requires before persons can be eligible for Medicaid.

**Individual and Employer Participation Requirements.** No later than July 1, 1999, all state residents must be enrolled in a certified health plan which may include the Basic Health Plan, unless they claim an exemption on grounds of religious conviction.

Beginning on July 1, 1995 all employers with more than 500 full-time employees must offer a choice of three certified health plans to all employees including the lowest price plan in the area. Employers must pay no less than 50 percent of the cost of the lowest priced plan. Employers must pay a pro-rated share of this amount for employees working less than full-time (30 hours per week). The actual employer percentage of the premium may be determined by employer/employee negotiations. On July 1,

1996, dependents of the full-time employees in these firms must be offered the same coverage.

On July 1, 1996, employers with more than 100 full-time employees must offer the same choice of certified health plans to their employees meeting the same standards. By July 1, 1997, coverage must be extended to all dependents of full-time employees in these firms.

On July 1, 1997 all employers must offer the same choice of enrollment in certified health plans to all employees. By July 1, 1999, this requirement is expanded to include all dependents of full-time employees.

In lieu of offering a choice of certified health plans, an employer may offer the Basic Health Plan. In this case, the employer share is limited to a 50 percent of the per adult, per month, average BHP cost, including administration.

Exemptions from the employer mandates are provided for dependents and seasonal workers who are covered under a full-time employee's coverage.

An exemption is provided for employers who have religious objections to these requirements.

**Part-Time Worker Depository.** The Health Care Authority must develop a depository where the pro rata share payments made by employers on behalf of less than full-time employees may be held. The authority must establish procedures under which individuals working less than full-time may access such funds deposited for them in order to purchase the Basic Health Plan or a certified health plan.

**Small Business Financial Assistance.** Beginning in July, 1997, firms of less than 25 workers that face barriers to providing health coverage to their employees may apply for assistance through the commission. Preference must be given to new firms; those with low average wages; those with low profits, and those in economically distressed areas. The total amount available shall be the lesser of (a) \$150 million or (b) 25 percent of the cost of the uniform benefits package per the eligible applicants' insured employees and dependents.

**Business and Occupations Tax Credit.** No later than January 1, 1997, the commission must recommend legislation to establish a business and occupation tax credit for employers with fewer than 500 employees who purchase coverage for dependents of their employees. The credit may be up to 40 percent of the employer's cost for dependent coverage.

**Studies, Plans and Administrative Directives.** The Department of Health must develop a public health improvement plan to include minimum standards, budget and staffing plans, cost benefit analyses, recommended strategies for improving public health programs, suggested timing for increasing public health funding, a percentage of total health spending which should be available for public health activities and a funding formula for grants to local health departments. The plan must be submitted to the Legislature in December 1994, and updated biennially.

The Health Care Authority must establish an advisory group on American Indian Health, and recommend a plan for joint ventures with the Indian Health Service, including methods to improve Indian health and the meeting of unmet health needs.

The commission must seek waivers from federal Medicaid, Medicare and other program laws and rules to implement the provisions of the act. The Governor must seek changes in the federal Employee Retirement Income Security Act of 1974 (ERISA) to ensure that all employees and their dependents in the state comply with the requirement to enroll in and have their employers participate in financing their enrollment in certified health plans.

Initially, the medical aid portion of the workers' compensation program, the residential portions of the various long-term care programs with the Department of Social and Health Services, and various federal programs are excluded. These programs must be studied for later inclusion.

Several studies are authorized by the Legislative Budget Committee on the inclusion of certain programs and on the implementation of the act.

The Department of Health may contract for studies of hospital and nursing home regulation to include recommendations on the consolidation of duplicative activities and rules.

The commission, in conjunction with the Department of Labor and Industries must study means of integrating the workers' compensation medical aid fund with the provisions for certified health plans. A plan to accomplish this must be completed by January 1995. Specific conditions which must be met before the plan may be implemented are outlined in the act.

**Revenue:** Increased taxes on cigarettes, tobacco products, spirits, beer (except micro-breweries), prepayments for health care received by health maintenance organizations (HMOs), health care service contractors (HCSCs), certified health plans (CHPs), and hospitals will raise an estimated \$251.4 million during the 1993-95 biennium, which will be deposited in the health services trust account. These tax rates are increased in future biennia to levels estimated to generate some \$1.04 billion in the 1997-1999 biennium, and will also be deposited in the health services trust account.

**Votes on Final Passage:**

Senate	30	16	
House	56	42	(House amended)
Senate			(Senate refused to concur)

**Conference Committee**

House	56	42
Senate	28	21

**Effective:** July 1, 1993

July 1, 1995	(Sections 234-257)
January 1, 1996	(Sections 301-303)

**Partial Veto Summary:** Section 424, which authorizes courts to assign liability severally to guilty parties in malpractice cases, is vetoed.

**VETO MESSAGE ON E2SSB 5304**

May 17, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 424, Engrossed Second Substitute Senate Bill No. 5304, entitled:

"AN ACT Relating to health care."

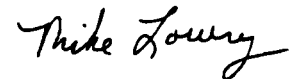
Engrossed Second Substitute Senate Bill No. 5304, adopts the Washington Health Services Act. Through this bill the legislature has given the people of Washington major health care reform. This bill will provide access to all residents of the state and will begin to control the spiraling costs of our health care system.

Section 424 of Engrossed Second Substitute Senate Bill 5304 changes the measurement and apportionment of damages in court actions for injuries resulting from health care by holding a defendant against whom judgment has been entered responsible for the fault of entities already released by a claimant. This section, along with the other liability reforms such as malpractice review and mandatory mediation contained in Part IV C. of the bill, is intended to encourage settlements and reduce litigation costs in medical malpractice cases. While I share in the legislature's goal of reduced malpractice litigation, I question whether this language as written will achieve the desired result.

For this reason, I have vetoed section 424 of Engrossed Second Substitute Senate Bill No. 5304.

With the exception of section 424, Engrossed Second Substitute Senate Bill No. 5304 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

**ESSB 5307**  
**PARTIAL VETO**  
C 347 L 93

Prohibiting firearms and dangerous weapons on school premises, with limited exceptions.

By Senate Committee on Education (originally sponsored by Senators Pelz, A. Smith, McAuliffe, Bauer, Talmadge, Spanel, Haugen and Moyer; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

Senate Committee on Education  
House Committee on Judiciary

**Background:** The state has preempted the entire area of firearms regulation. Cities, towns and other municipalities may only enact those laws specifically authorized by state law and consistent with state law. By state statute, firearms are specifically prohibited in areas such as restricted access areas of a jail or law enforcement facility, a courtroom or

judge's chamber, restricted areas of mental health facilities, and licensed premises for the consumption of alcoholic beverages. Cities, towns and other municipalities may adopt ordinances restricting the discharge of firearms in areas where persons or animals would be harmed and may restrict possession in stadiums or convention centers unless the person has a concealed weapons permit.

Under current law, students are prohibited from having firearms or other dangerous weapons on school premises. However, school districts are concerned that they cannot prohibit other persons from carrying firearms onto school premises because the state has preempted the regulation of firearms.

**Summary:** The prohibition against any student carrying a firearm or dangerous weapons on public or private school premises is expanded to apply to any person. The prohibition also includes school-provided transportation and any areas of facilities while being used exclusively by public or private schools.

A student violating the prohibition against weapons other than firearms may be expelled from every public school in the state. However, a student carrying a firearm must be expelled. When a student attempts to transfer to another school, the student's records must be released to the new school, even if the student has not paid any outstanding fees or fines.

Current exemptions are expanded to include any person involved in school district security activities or state, local, or federal law enforcement activities. Such activities are no longer required to be sponsored by the government.

Any person with a concealed weapons permit picking up or dropping off a student is exempt. Firearms are not permitted in school buildings.

A person conducting legitimate business at the school may have a firearm or other dangerous weapon on school grounds in a vehicle if the weapon is: (1) secured in an attended vehicle; (2) concealed in a locked unattended vehicle; or (3) secured and unloaded in a vehicle.

Signs must be posted around schools to provide notice about the law.

Public and private school officials are required to report annually about violations of the prohibition of weapons on school grounds.

A police officer may make a warrantless arrest if there is probable cause to believe that a person unlawfully possesses or possessed a firearm or other dangerous weapon on school premises.

**Votes on Final Passage:**

Senate	43	6	
House	95	1	(House amended)
Senate	43	4	(Senate concurred)

**Effective:** July 25, 1993

**Partial Veto Summary:** The provision authorizing a warrantless arrest was deleted. This provision was enacted in separate legislation.

**VETO MESSAGE ON ESSB 5307**

May 15, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Engrossed Substitute Senate Bill No. 5307 entitled:

"AN ACT Relating to student safety and discipline"

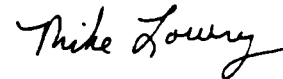
Section 4 of Engrossed Substitute Senate Bill No. 5307 adds probable cause arrest authority for officers believing an individual illegally possesses or has illegally possessed a firearm or other dangerous weapon on school premises.

Section 4 of Engrossed Substitute Senate Bill No. 5307 is identical to Senate Bill No. 5107 which I have already signed.

For this reason, I have vetoed section 4 of Engrossed Substitute Senate Bill No. 5307.

With the exception of section 4, Engrossed Substitute Senate Bill No. 5307 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

**SB 5309**

C 265 L 93

Modifying provisions relating to exchange of urban land for land bank land.

By Senator Owen

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

**Background:** Many state trust land parcels in urban and surrounding areas are not producing income for the trusts but are often uniquely suited for other public needs. The land bank statute authorized the Department of Natural Resources (DNR) to dispose of land and acquire replacement land. DNR must notify state agencies and the counties, cities or towns in which the land is situated. Without any public agency as a buyer, the Department of Natural Resources sells the land at public auction.

In 1992, the Legislature gave DNR an additional land transfer and replacement authority which allows the department to transfer land to any public agency. DNR must notify as many public agencies, such as school districts and park districts, in addition to local governments, when it determines that land is to be sold or transferred. The current land bank statute only infers that no public auction is required; it is not explicit.

**Summary:** The notice requirement is clarified and broadened to include the widest range of public agencies given a chance to purchase land. Land transfers may be made to public agencies without public auction.

**Votes on Final Passage:**

Senate 45 2  
 House 66 32  
**Effective:** July 25, 1993

**SSB 5310**

C 266 L 93

Modifying prosecutions for trespass or waste of public lands.

By Senate Committee on Natural Resources (originally sponsored by Senator Owen)

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

**Background:** The incidence of property trespass, natural resource damage and the problem of theft of valuable resources from public lands has increased as the population in Washington has grown and moved into rural areas. The Department of Natural Resources requires that trespass be investigated and resolved, and that trespassers are held responsible for their actions.

**Summary:** Liability for trespass is established and damage to Department of Natural Resources lands will be compensated at treble damages plus reimbursement for reasonable costs to resolve the problem. The state may recover the value of the use, occupancy or valuable resources removed. A trespasser is liable to reimburse the state for all reasonable administrative, survey, and legal costs and attorney fees incurred by the state in its effort to resolve the trespass or restore the land to original condition.

**Votes on Final Passage:**

Senate 40 9  
 House 98 0  
**Effective:** July 25, 1993

**SSB 5313**

C 37 L 93

Deleting the expiration date for a portion of the surcharge on recording documents.

By Senate Committee on Government Operations (originally sponsored by Senators Loveland, Winsley, Oke, Haugen, Sheldon, Owen, Quigley and Erwin)

Senate Committee on Government Operations  
 House Committee on Local Government

**Background:** One of many initiatives undertaken as part of the state centennial celebration was a program adopted in 1989 to assist county auditors in restoring and preserv-

ing historic documents. Many of these records are unique, and some are deteriorating rapidly.

To support the costs of the program, a special surcharge of \$2 is required for recording each document. Half of the proceeds from the surcharge remains with the county, and the other half is transmitted to a special account in the state treasury. Distribution from the special account is as follows: half is shared equally among the 39 counties; the other half is apportioned by county population.

The portion of the surcharge which is redistributed by the State Treasurer is scheduled to expire on January 1, 1995, and the surcharge will be reduced to \$1. It has been suggested that these funds are still needed by the counties for restoration and preservation of historic records.

**Summary:** The expiration date for the dollar surcharge to be distributed by the State Treasurer, and the reduction of the surcharge to \$1 are deleted. The proceeds from the surcharges must be used for ongoing preservation of historical documents of all county offices and departments.

**Votes on Final Passage:**

Senate 40 6  
 House 98 0  
**Effective:** July 25, 1993

**SSB 5316**

C 474 L 93

Regulating private moorage facilities.

By Senate Committee on Labor & Commerce (originally sponsored by Senators Moore and McCaslin)

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

**Background:** Moorage facility operators (port districts, cities, towns, metropolitan park districts or counties which own or operate a moorage facility) and self storage facilities have the power to secure vessels when rental fees have not been paid to prevent vessels from disappearing before settlement. However, privately owned moorage facilities do not have similar protection.

**Summary:** Private moorage facility operators may take measures to secure vessels to prevent vessels from being moved if an owner fails to pay charges owed. A facility must notify the owner by registered mail and by first class mail of charges owed and of the owner's right to begin legal proceedings to contest such charges. At the time of securing the vessel, the facility must post a visible notice on the vessel stating the date and time the notice was attached; that if the account is not paid in full within 90 days from the time the notice is attached, the vessel may be sold at public auction to satisfy the charges; and the address and telephone number where additional information may be obtained concerning release of the vessel. Anyone

## ESSB 5320

seeking to redeem an impounded vessel must commence a lawsuit within 60 days of this notice.

If the vessel is not released to the owner within 90 days, the vessel is presumed abandoned. The facility may then authorize public sale of the vessel in order to recover costs. Notice of the sale must be given to the owner, lien holders, and the public. If the vessel is not purchased within 10 days of the sale, the title reverts to the operator.

Proceeds from the vessel sale will be disbursed as follows: (1) parties having existing superior liens; (2) parties to whom moorage charges are due; (3) parties having other liens on the vessel.

If a boat is sold to satisfy unpaid fees and the sale price is less than the amount owing, the moorage facility may sue the boat owner for the deficiency. The maximum amount of a deficiency judgment is the moorage fees owed for the previous six months.

### Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 25, 1993

## ESSB 5320

C 118 L 93

Adopting limits on phosphorus contents in certain detergents.

By Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Talmadge, Winsley, Deccio, Moore and Sutherland)

Senate Committee on Ecology & Parks  
House Committee on Environmental Affairs

**Background:** Phosphorous is a naturally occurring element that stimulates plant growth. When introduced in water, phosphorous promotes growth of weeds and algae which may degrade water quality.

Laundry and dishwashing detergents are a significant source of phosphorous. Other sources include wastewater treatment discharges, industrial discharges, agricultural run-off, and soil erosion.

Approximately 12 states and four regions have limited the amount of phosphorous allowed in laundry and dishwashing detergents. Spokane adopted an ordinance in 1990 that limits the amount of phosphorous in such detergents. King County adopted a similar ordinance in September, 1992, which bans the sale of laundry detergents containing phosphorous. In areas where phosphorous levels are reduced, wastewater treatment plants report significant cost savings.

Laundry detergents without phosphates are widely available. The cost for such detergents varies regionally but is generally competitive with detergents containing phosphorous. Dishwashing detergents with reduced levels

of phosphorous are currently available but on a limited basis.

**Summary:** Laundry detergents containing more than .5 percent phosphorous cannot be sold or distributed for sale within the state after July 1, 1994.

Dishwashing detergents containing more than 8.7 percent phosphorous cannot be sold or distributed for sale within the state after July 1, 1994.

The phosphorous limits do not apply to the sale or distribution of detergents for commercial and industrial uses.

The Department of Ecology notifies major distributors and wholesalers of the statewide limit on phosphorous in detergents.

The Attorney General or appropriate city or county prosecuting attorney is authorized to bring an appropriate action to enjoin any violation of the phosphorous limits.

### Votes on Final Passage:

Senate	42	3
House	74	24

Effective: July 25, 1993

## SB 5324

C 111 L 93

Correcting a double amendment related to reimbursement of school transportation costs.

By Senator Pelz; by request of Law Revision Commission

Senate Committee on Education  
House Committee on Education

**Background:** RCW 28A.150.280 (relating to school transportation costs) was amended twice by the Legislature in 1981, but the amendments were inconsistent. Chapter 265, Laws of 1981 created an allocation system for reimbursement of school transportation costs. Chapter 343, Laws of 1981 added a proviso that excluded reimbursement for transportation of a student other than to the school geographically nearest or next nearest to the student's residence. That restriction was declared unconstitutional under a 1981 federal court decision. The Law Revision Commission recommends reenactment of Chapter 265, Laws of 1981.

**Summary:** Chapter 265, Laws of 1981 (RCW 28A.150.280) is reenacted.

### Votes on Final Passage:

Senate	49	0
House	97	0

Effective: July 25, 1993

**SB 5330**

C 348 L 93

Exempting auction sold property from a statutory holding period.

By Senators Haugen, Moore and Amondson

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

**Background:** Under the provisions of the Pawnbrokers and Secondhand Dealers Act, property bought or received on consignment must stay on the premises for 30 days, except in cases where the property is redeemed or returned to the original owner.

Auctioneers and auctioneering companies are currently regulated under the provisions of the Auctioneers Act. The auctioneering industry has expressed concerns that the mandated 30-day retention requirement provided under the pawnbrokers and secondhand dealers law might be considered applicable to property that is sold by a licensed auctioneer.

**Summary:** The Department of Licensing is authorized to exempt licensed auctioneers from the statutory requirements of the Pawnbrokers and Secondhand Dealers Act.

**Votes on Final Passage:**

Senate	48	0	
House	66	30	(House amended)
Senate	42	0	(Senate concurred)

**Effective:** July 25, 1993

**SSB 5332**

C 267 L 93

Permitting the establishment of an underwater parks system.

By Senate Committee on Ecology & Parks (originally sponsored by Senators West, Oke, Nelson, Owen, Pelz, Sutherland, Hargrove, Winsley, von Reichbauer, Erwin and Sheldon)

Senate Committee on Ecology & Parks  
House Committee on Natural Resources & Parks  
House Committee on Appropriations

**Background:** An underwater park refers to either the designation of natural areas or the creation of artificial reefs in order to enhance habitat for marine life and promote recreational diving opportunities. Artificial reefs are often created by sinking old vessels. The vessels are normally cleaned of any contaminants and modified to eliminate safety hazards before they are sunk. Underwater parks and artificial reefs have been established in at least 15 other states, including Florida, Hawaii, Louisiana, Texas, and California.

**Summary:** The State Parks and Recreation Commission may establish a system of underwater parks. In establishing and maintaining an underwater park system, the commission may acquire property and enter into management agreements with other state agencies; construct artificial reefs and other underwater features to enhance marine life and recreational uses; accept gifts and donations for the benefit of underwater parks; enter into interagency agreements to facilitate the receipt of permits from other state agencies and local governments; contract with other jurisdictions for management of underwater park units; and work with the federal government, local governments, and appropriate state agencies to carry out the purposes of the act.

The State Parks and Recreation Commission shall act as the lead agency in the establishment of underwater parks and for environmental reviews of projects necessary to establish underwater parks. The commission is protected from liability for certain activities with a recreational use immunity clause.

The commission may charge a fee for recreational use of an underwater park to offset administration costs. Before implementing a fee program for underwater parks, the commission shall submit to the Legislature an estimate of the proposed fees and a plan for collecting these fees. Fees shall be deposited into an underwater park account and shall be used for operation and creation of underwater parks.

**Votes on Final Passage:**

Senate	48	0	
House	94	4	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** July 25, 1993

**SSB 5337****PARTIAL VETO**

C 208 L 93

Regulating aeronautics.

By Senate Committee on Transportation (originally sponsored by Senators Sutherland and Vognild)

Senate Committee on Transportation  
House Committee on Transportation

**Background:** The Department of Transportation Aeronautics Division provides technical assistance and grants to general aviation airports statewide. The division also maintains state-owned emergency airfields, responds to search and rescue requests, provides aviation safety education classes, registers pilots and aircraft, plans for the state aviation system, and coordinates aviation with other transportation modes.

The definition of a dealer includes persons engaged in the business of selling, exchanging, or acting as a broker of



## ESB 5342

aircraft. It is unlawful to sell aircraft without a license, but there is no penalty for the offense.

Only an aircraft that is operated within the state must register with the department.

**Summary:** The definition of aircraft dealer is expanded to include persons who offer for sale two or more aircraft within a calendar year.

A person who acts as an aircraft dealer without first obtaining an aircraft dealer's license is guilty of a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or both. A second or subsequent offense within a five-year period is considered a gross misdemeanor and is punishable by a fine of not more than \$5,000 or imprisonment for not more than one year, or both. The court may also prohibit the violator from acting as an aircraft dealer within the state for a period of up to one year.

References to airman are changed to read airman/airwoman. The definition of airman/airwoman is expanded to include persons who also work on airframes.

Every airman or airwoman who is not registered as a pilot and who is a resident of the state, or every nonresident who works regularly as an airman/airwoman in the state must register with the department. A fee of up to \$10 is charged to be used for the division's safety and rescue program and safety and education program.

The penalty for violating the laws enforced by the Aeronautics Division is increased from \$100 to \$1,000. Imprisonment for a violation is increased from 30 to 90 days. The fine for operating an aircraft while under the influence of drugs or alcohol is increased from \$1,000 to \$5,000. The penalties that may be imposed by the district and superior court are the same.

The requirement for aircraft registration is expanded to include an aircraft based within the state.

Exemptions for registration requirements are expanded to include aircraft based in the state that are not in an airworthy condition, not operated within the registration period, and have a written exemption issued by the Secretary of Transportation.

### Votes on Final Passage:

Senate	47	0
House	95	1

**Effective:** July 25, 1993

**Partial Veto Summary:** The section pertaining to penalties associated with violations of the aeronautic statutes was vetoed. Penalties for all modes of transportation were made uniform through ESHB 1127.

## VETO MESSAGE ON SSB 5337

May 6, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Substitute Senate Bill No. 5337 entitled:

"AN ACT Relating to the department of transportation's aeronautics division."

Section 6 of the bill amends RCW 47.68.240, addressing the penalties associated with violations of the aeronautics statutes in chapter 47.68 RCW.

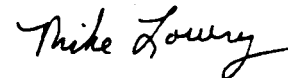
Engrossed Substitute House Bill No. 1127, which is awaiting my approval, deals with licensing and penalty issues generally for motor vehicles, water craft and aircraft, and also amends RCW 47.68.240 to make the penalties uniform between all modes of transportation.

In this instance, I believe it is appropriate to defer to the Legislature's judgment in their efforts to have uniform penalties for all modes of transportation.

For these reasons, I have vetoed Section 6 of Substitute Senate Bill No. 5337.

With the exception of section 6, Substitute Senate Bill No. 5337 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

## ESB 5342

C 268 L 93

Repealing the tax credit and exemption for alcohol used as fuel.

By Senators Vognild and Skratek; by request of Department of Transportation

Senate Committee on Transportation  
House Committee on Transportation

**Background:** In 1980 and 1981, legislation was passed that exempted alcohol used in motor fuel from the motor fuel tax and, in addition, provided a tax credit of 60 percent of the amount of tax exempted if the alcohol/gasoline mixture (gasohol) contained at least 9.5 percent alcohol by volume.

The gasohol exemption and credit was scheduled to sunset in 1992, but was extended to 1999 in legislation passed during the 1991 legislative session.

Pursuant to the provisions of the 1990 federal Clean Air Act amendments, the use of fuel oxygenated with alcohol or ether-based additives is now required in King, Pierce, Snohomish, and Clark counties from November through February and in Spokane County from September through February. The required level of additive for oxygenation is 2.7 percent by weight which translates to about 7.7 percent by volume for gasohol. The fuel tax exemption for alcohol

does not extend to ether-based additives although the exemption does apply to alcohol used as a feedstock in the production of ether-based additives.

The Department of Ecology (DOE) developed a rule requiring all counties in western Washington to comply with the federal requirements for oxygenation of gasoline starting in November 1994. However, at the request of industry, DOE is reevaluating whether to implement this rule.

The federal government provides a gasoline exemption on the 14.1 cent federal gas tax ranging from 3.0 cents to 5.4 cents per gallon depending on alcohol content.

**Summary:** The fuel tax exemption and credit for alcohol used in motor vehicle fuel is repealed. A new section is added to Chapter 82.36 RCW creating a fuel tax exemption and credit only for alcohol manufactured by a company that sold less than eight million gallons of alcohol for use as motor fuel in the prior year.

**Votes on Final Passage:**

Senate	37	11	
House	96	0	(House amended)
Senate	31	13	(Senate concurred)

**Effective:** July 25, 1993

### SB 5343

C 431 L 93

Authorizing state highway bonds.

By Senators Vognild, Nelson, Skratek and von Reichbauer; by request of Department of Transportation

Senate Committee on Transportation

**Background:** Legislative appropriation for state highway bonds is sought at the request of the Transportation Commission. The 1990 transportation funding package included a 3/4 of a cent gas tax increase dedicated to three Special Category C projects: a second First Avenue South Bridge, SR 18 (Auburn to I-90), and Division Street in Spokane. The 3/4 cent gas tax was dedicated to pay the debt service on a bond authorization to pay for cash flow requirements on these three construction projects.

**Summary:** The issue and sale of \$240 million in general obligation bonds is authorized for the location, design, right of way, and construction of Special Category C highway improvements.

The 3/4 cent gas tax will pay the debt service on this bond authorization which will be used to pay for cash flow requirements on the three identified projects.

**Votes on Final Passage:**

Senate	44	0	
House	94	2	

**Effective:** July 25, 1993

### SB 5349

C 211 L 93

Renaming educational clinics.

By Senators Pelz and Moyer

Senate Committee on Education

House Committee on Education

**Background:** An educational clinic is a profit or nonprofit private school that teaches basic academic skills, as well as student achievement motivation and employment orientation. Educational clinics diagnose individual educational abilities, determine individual goals and courses of instruction, and evaluate each client's progress.

Educational clinics are certified by the State Board of Education and reimbursed by the Superintendent of Public Instruction for common school dropouts that meet specified criteria.

The present name "educational clinic" reportedly has caused some confusion with medical clinics and school programs offering various medical services.

**Summary:** The term "educational clinic" is changed to "education center."

**Votes on Final Passage:**

Senate	49	0	
House	96	2	(House amended)
Senate	40	0	(Senate concurred)

**Effective:** July 25, 1993

### ESB 5351

C 16 L 93

Regarding death benefits for disabled teacher retirees under plan I.

By Senators Newhouse, Spanel, Moore, Bauer, Winsley, von Reichbauer and Roach; by request of Joint Committee on Pension Policy

Senate Committee on Ways & Means

House Committee on Appropriations

**Background:** If a member of the Teachers' Retirement System Plan I (TRS I) dies while he or she is an active employee, the surviving beneficiary's death benefit is reduced. The reduction equals the difference between the benefit accrued at the time of death and the amount that the member would have received at the age he or she first qualified for retirement.

If an active employee who becomes disabled selects a joint and survivor death benefit and dies after the first payment becomes due, the beneficiary receives a joint and survivor benefit that is not reduced. However, if an active employee becomes disabled but dies before the first retirement payment becomes due, he or she is considered to be

## SB 5352

an active member at the time of death and the beneficiary's benefit is reduced.

**Summary:** If a TRS I member who has been determined by the Director of the Department of Retirement Systems to be disabled selects a joint and survivor option and dies before the first payment becomes due, the member's beneficiary receives the benefit due under the selected retirement option. The provisions of this act apply to all determinations of disability made after June 30, 1992.

### Votes on Final Passage:

Senate 45 0

House 88 0

Effective: April 12, 1993

## SB 5352

C 270 L 93

Specifying how payments based on retirement agreements shall affect calculation of pension benefits.

By Senators Newhouse, Spanel, Moore, Bauer and Winsley; by request of Joint Committee on Pension Policy

Senate Committee on Ways & Means

House Committee on Appropriations

**Background:** "Earnable compensation" for purposes of determining a state retirement system member's pension is generally defined as salaries and wages payable for services rendered to the employer.

During field audits in 1992, the Department of Retirement Systems (DRS) discovered that certain community colleges were providing retirement incentives to employees. The agreements took the form of the employee agreeing to retire within a certain time period in exchange for increased class loads or supplementary teaching days, sometimes accompanied by compensation greater than what would have normally been earned for the extra work.

Current DRS rule does not allow such incentives to be included in the definition of earnable compensation because the incentives are not considered payment for services rendered. The financial incentives cause an employee's average final compensation to increase, thereby increasing the employee's pension.

**Summary:** Any payments made to an employee covered by one of the state's retirement systems that are based either on an agreement by the member to retire, or on notification to the employer of intent to retire, will affect the retirement benefit in one of the following three ways:

- (1) If the agreement does not require the employee to perform additional service, the payment may not be used in any way to calculate the employee's pension benefit.
- (2) If the agreement requires additional service paid at an equal or lower rate than that paid to other employees, the additional payment may be included in the calculation of the employee's pension benefit, but it will be

considered "excess compensation." The employer will be billed for the additional cost to the pension system.

- (3) If the agreement requires additional service paid at a higher rate than would be paid to other employees, that portion of the payment which equals the payment for the same or similar service can be included in the calculation of the employee's pension benefit, but it will be considered "excess compensation" and the cost will be billable to the employer. The part of the payment that is above the rate paid to other employees cannot be included in the pension benefit calculation.

Members of the Teachers' Retirement System (TRS) who retired from community colleges before January 1, 1993, who had retirement incentive payments included in their earnable compensation will have their retirement benefits adjusted prospectively only and will not be required to repay the trust funds any overpayments resulting from the retirement incentive agreements. The retirement system will absorb the cost of the overpayments.

Retirees who, since January 1, 1990, have had their retirement allowance reduced because of the inclusion of retirement incentive payments in the calculation of their retirement benefit will have their benefits adjusted to reflect the benefits to which they are correctly entitled, without a reduction to recoup overpayments. The retirement system must repay retirees for any reduction to their retirement allowance that has occurred since January 1, 1990, to recoup overpayments. Anyone who repaid previous overpayments in a lump sum will be reimbursed by the retirement systems.

TRS Plan I members who retired from community colleges before January 1, 1993, and who had, or will have, their pensions reduced by the department because the calculation of their pensions included retirement incentive payments may change their retirement payment option by October 31, 1993.

### Votes on Final Passage:

Senate 48 0

House 96 0 (House amended)

Senate 43 0 (Senate concurred)

Effective: July 25, 1993

## SSB 5357

C 349 L 93

Requiring contractors for school employment service contracts to provide health care and retirement benefits commensurate with those provided for classified employees providing similar services.

By Senate Committee on Education (originally sponsored by Senators Pelz, Sutherland, Jesernig, Snyder, Gaspard, Fraser, Moore and Quigley)

Senate Committee on Education

House Committee on Appropriations

**Background:** School district boards of directors have the authority to contract out for services including services such as transportation and janitorial services.

**Summary:** When a school district enters into a contract for services formerly performed by classified employees, the contract must contain a clause requiring the contractor to provide health benefits. These benefits are not required to be greater than those provided in the Basic Health Plan. Before contracting out for services, the school district must: (1) conduct a feasibility study developed in consultation with the representatives of the affected employees; (2) have the decision reviewed and approved by the Superintendent of Public Instruction; and (3) provide for the decision to be subject to applicable collective bargaining requirements. These provisions apply only if the contract is for services provided by classified employees as of the effective date of the act.

The requirement does not apply to contracts for services previously performed by employees in director/supervisor, professional and technical positions. The requirement does not apply to service contracts that are temporary, do not continue, or will not recur.

**Votes on Final Passage:**

Senate	30	19	
House	85	13	(House amended)
Senate	30	18	(Senate concurred)

**Effective:** July 25, 1993

### SB 5358

C 50 L 93

Creating an appropriated real estate education account.

By Senators Pelz, Fraser, Prince and Winsley; by request of Department of Licensing

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

**Background:** In the 1992 session, the Legislature adopted SB 6184, establishing ongoing education guidelines for real estate brokers and salespersons. The legislation also created the nonappropriated real estate education account for the benefit of real estate education programs. Revenues to support this program are raised through fines charged to real estate licenses and through 25 percent of the interest earnings from the brokers' trust fund account.

The Governor partially vetoed SB 6184, removing the nonappropriated real estate education account, and directed the Department of Licensing to resubmit legislation in the 1993 session establishing the account with an appropriated status.

**Summary:** The appropriated real estate account is established within the Department of Licensing.

**Votes on Final Passage:**

Senate	46	0
House	97	0

**Effective:** July 1, 1993

### SSB 5360

C 350 L 93

Creating new procedures for reporting domestic violence.

By Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, Roach, Spanel, M. Rasmussen, Winsley and von Reichbauer)

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

**Background:** The final report of the Domestic Violence Task Force included recommendations that the Legislature mandate the use of simplified form protection orders, require instructions and brochures explaining the process for obtaining a protection order, and provide for the translation of these items for non-English speaking persons. The task force also recommended that the Legislature require state-wide collection of law enforcement data identifying all incidents of domestic violence. These proposals were included in legislation considered in the 1992 session, but were vetoed by the Governor due to a lack of funding.

Adult and child victims of crime, survivors of victims, and witnesses have certain rights under the Washington State Constitution and as provided in statute. Reasonable efforts must be made to ensure that victims and survivors of victims are able to exercise their rights. These rights include: (1) the right to be informed of the final disposition of the case; (2) the right to attend the proceedings; (3) the right to a secure waiting area while waiting to testify; (4) the right to make a victim impact statement at trial sentencing; and (5) in the case of child victims, the right to have a crime victim advocate attend the trial with a child.

**Summary:** The Legislature finds that domestic violence is a problem of immense proportions, that the existing protection order process should be refined to require the use of standard forms, and that information should be translated for use by non-English speaking persons. To assist in policy formulation, data about reported incidents of domestic violence needs to be gathered from law enforcement.

By July 1, 1994, the Administrator for the Courts, in consultation with interested persons, is required to prepare instructions, informational brochures, standard petition and order for protection forms, and a court staff handbook on domestic violence. The petition and order forms must be used for all protection orders sought after September 1, 1994.

The Administrator for the Courts must translate the instructions and brochures into specified foreign languages. The translated material must be delivered to court clerks

## ESB 5362

by January 1, 1995. This requirement is null and void unless funding is provided in the budget. (Note: Because funding was not provided in the 1993-95 biennial budget, these provisions do not take effect.)

Beginning January 1, 1994, all law enforcement agencies must submit records of incidents of domestic violence to the Washington Association of Sheriffs and Police Chiefs. A compilation of this data must be included in the annual report of crime produced by the association.

Additional rights are provided to adult and child victims of violent or sex offenses. Reasonable efforts must be made to give the victim a written statement of the victim's rights. The statement should include the name, address, and telephone number of a county or local crime victim/witness program, if such a program exists. If the victim is a child, the statement may either be given to the child or to the child's parent or guardian, if appropriate. The statement should be given when the victim reports the crime. Crime victim/witness programs are defined.

Reasonable efforts must also be made to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim. This requirement applies only if the presence of the crime victim advocate does not cause delay in the investigation or prosecution of the case. The role of the advocate is to provide emotional support to the victim.

### Votes on Final Passage:

Senate	47	0	
House	98	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 25, 1993

## ESB 5362

### PARTIAL VETO

C 17 L 93

Requiring full disclosure of civil court proceedings relating to public hazards.

By Senators A. Smith, Niemi, Pelz, Spanel and Quigley

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** Recent media attention to dangerous products and services has focused on the technical standards involved and procedures utilized. These standards of design or performance often determine public safety.

When injuries occur, standards and product or procedure compliance come into question. Adverse test data may be known to private organizations, but not to government agencies or the public.

Often these inquiries result in litigation that ultimately is terminated in a confidential court sealed compromise agreement. The issue then raised is the one of the broader public interest in preventing the recurrence of harm.

**Summary:** Public hazards are defined as matters other than services by licensed professionals having a probable future adverse effect on public health and safety. All relevant judicial discovery materials are available to the public after the court determines the appropriateness of release. The court is mandated to provide for effective disclosure of these matters and hold violators in contempt. Contracting to conceal public hazards is a violation of the Consumer Protection Act and such contracts are void.

### Votes on Final Passage:

Senate	25	22
House	61	35

Effective: July 25, 1993

**Partial Veto Summary:** The emergency clause is removed, delaying the effective date.

## VETO MESSAGE ON ESB 5362

April 12, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

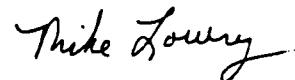
I am returning herewith, without my approval as to section 6, Engrossed Senate Bill No. 5362 entitled:

"AN ACT Relating to full disclosure of civil court proceedings relating to public hazards."

Section 6 of Engrossed Senate No. 5362 is an emergency clause which implements this bill on July 1, 1993. I do not believe that the early effective date is appropriate in this case. The purpose of ESB 5362 is to inform the public of the existence of public hazards, such as products or instrumentalities which pose a danger of damage or injury to the public, by establishing as the public policy of this state that information regarding the existence of such hazards not be sealed by court order nor concealed by private contract or agreement. It is not the intent of this bill to disclose trade secrets or other proprietary information protected under existing statutes, case law and court rules. The existence of a public hazard will be determined by the courts and only such information as the court determines to be necessary to inform the public of the existence and nature of the hazard will be subject to the disclosure requirements of the bill.

With the exception of section 6, Engrossed Senate Bill No. 5362 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

## SSB 5368

C 119 L 93

Creating a sales tax exemption for certain vessels.

By Senate Committee on Ways & Means (originally sponsored by Senators Owen, Sutherland, McDonald, Bauer, Nelson, Anderson and Erwin)

Senate Committee on Ways & Means  
House Committee on Revenue

**Background:** Sales of watercraft to nonresidents of this state for use outside the state are exempt from sales and use taxes if Coast Guard or state registration is required by the state of principal use, the watercraft is not used in this state for more than 45 days, and the nonresident provides an exemption certificate issued by the Department of Revenue.

**Summary:** Sales of vessels to residents of foreign countries for use outside the state are exempt from sales and use taxes if the vessel is not used in this state for more than 45 days and the nonresident provides an exemption certificate issued by the Department of Revenue.

"Vessel" is defined as watercraft capable of being used as transportation on the water, other than a seaplane.

**Votes on Final Passage:**

Senate 49 0  
House 92 2

Effective: July 25, 1993

**SB 5370**  
C 11 L 93 E1

Authorizing state highway bonds.

By Senators Vognild, Nelson, Skratek and Talmadge

Senate Committee on Transportation

**Background:** 47.10.762 RCW provides reserve funds to the Washington State Department of Transportation (WSDOT) for the following purposes: (1) repairs of state highways made necessary by slides, storm damage, or other unexpected or unusual causes; (2) construction necessary to alleviate or prevent intolerable traffic congestion caused by unanticipated economic development; and (3) loans to cities or counties to construct or improve any city street or county road when necessary to alleviate or prevent intolerable traffic congestion caused by extraordinary or unanticipated economic development.

Currently, a \$25 million bond is authorized to provide reserve funds for the above-mentioned purposes.

An expansion of 47.10.761 RCW to allow these reserve funds to be used if emergent construction projects become feasible due to funding contributions from sources other than those envisioned during the budget process is requested. This expansion would permit emergent projects to proceed without disrupting the normal progress of programmed and legislatively approved projects.

**Summary:** The purposes for which bond proceeds may be used under 47.10.761 RCW is expanded to include projects that have been selected for funding by entities other than the WSDOT and require a funding contribution by the WSDOT.

**Votes on Final Passage:**

First Special Session

Senate 43 3  
House 63 34

Effective: August 5, 1993

**SB 5371**  
C 432 L 93

Authorizing highway bonds.

By Senators Vognild and Talmadge

Senate Committee on Transportation

**Background:** The federal Intermodal Surface Transportation and Efficiency Act of 1991 (ISTEA) identifies and provides funding for ten demonstration projects to be constructed in the state of Washington and provides funding for local ISTEA highway projects. These projects require a state or local match of 20 percent. This bond authorization would allow Washington State to proceed with construction using state funds to be reimbursed by federal funds at a later date.

**Summary:** The issue and sale of \$100 million in general obligation bonds is authorized for the location, design, right of way, and construction of selected interstate and other highway improvements.

Up to \$25 million may be used for payment of the state's and local governments' share of matching funds for ten demonstration projects authorized in the ISTEA.

Up to \$50 million may be used for the temporary payment of cash flow requirements of construction on these demonstration projects in advance of federal aid apportionment and reimbursement.

Up to \$25 million may be used for loans to local governments to provide the required matching funds to take advantage of any unanticipated federal funds made available through ISTEA.

**Votes on Final Passage:**

Senate 47 0  
House 95 1

Effective: July 25, 1993

**SB 5375**  
C 433 L 93

Regulating personal service contracts.

By Senators Bauer, Wojahn, Barr, Oke, Rinehart, von Reichbauer and Winsley; by request of Legislative Budget Committee

Senate Committee on Government Operations  
House Committee on State Government



## ESB 5378

**Background:** Personal services contracts for state agencies must be awarded on a competitive basis. Contracts for more than \$2,500, or which involve a sole source contractor, an emergency, or expert witnesses, must be filed with the Office of Financial Management (OFM) and the Legislative Budget Committee (LBC). Filing is not required for competitively bid contracts. Advance approval by OFM is required for sole source contracts for more than \$10,000, or when a single contract exceeds \$10,000.

The current process does not require disclosure and competition for subcontractors or major contract amendments.

**Summary:** Legislative intent is expanded to include open competition for subcontracts to personal service contracts. Subcontract is defined to mean a contract assigning some of the work of a contract to a third party.

Substantial changes in the scope of work in the contract or formal solicitation document must be awarded as new contracts, must be submitted to OFM and LBC, and are subject to approval by OFM.

If the value of an amendment or amendments to a contract exceeds 50 percent of the original value, such amendments must be submitted to OFM and LBC. OFM must approve amendments submitted to it before services may be performed. Amendments submitted must be made available for public inspection at least 10 working days before the start date of service. Criteria for approval of amendments are established by OFM.

If a contractor's response to a competitive solicitation specifies subcontracts and subcontractors, the process becomes a competitive solicitation. If subcontracts are authorized but the subcontractors are not identified in the contractor's response, the subcontracts must comply with the competitive solicitation process and selection of subcontractors is subject to prior agency approval.

For participating in personal service contracts, additional elements require that: (1) On sole source contracts funded by the state at more than \$10,000, the agency must document that it attempted to identify potential consultants through newspaper advertising; (2) agencies must ensure that cost, fees or negotiated rates on state-funded sole source contracts are reasonable; (3) personal service contracts may be procured only if the service is critical to statutory responsibilities of the agency, current staffing or expertise is insufficient, and other qualified public sources are not available; (4) competitively solicited contracts must be filed with OFM and LBC, and OFM must approve such contracts if they are for management consulting, organizational development, marketing, communications, training, or recruiting services; (5) OFM must make a detailed list of all personal service contracts available to the public; and (6) architectural and engineering contracts must also be filed with OFM on a quarterly basis.

### 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	47	0

**Effective:** July 25, 1993

## ESB 5378

C 120 L 93

Modifying the regulation of horticultural plants and facilities.

By Senators M. Rasmussen, Barr, Loveland and Winsley;  
by request of Department of Agriculture

Senate Committee on Agriculture  
House Committee on Agriculture & Rural Development

**Background:** The Department of Agriculture administers the licensing and assessment of nursery dealers and the inspection and possible condemnation of infested or diseased plants. Changes to these statutes are requested to update and clarify licensing, disease inspection and rule-making authorities.

**Summary:** It is clarified that the definition of horticultural plant includes cuttings, budsticks, scion wood and similar plant parts used for propagative purposes. The term "turf" is defined.

The director is authorized to adopt rules prescribing minimum informational requirements for advertising the sale of horticultural plants.

A farmers market duly registered with the state is allowed to be covered under one license as an alternative to licensing each individual producer who sells plants at that farmers market.

If the department is refused access to a nursery dealer's premises, the department may apply for a search warrant from a court of competent jurisdiction. Denying the department access to perform inspections may subject the nursery dealer to the revocation of his or her nursery license.

The requirements that horticultural plants offered for retail sale have tags with the common name, botanical name and variety, and a color picture of the plant are deleted. Also deleted is the requirement that a patented plant or a plant produced under a grower agreement be noted on the tag. The director must establish by rule the marking and tagging requirements for the several categories of plants.

The issuance of hold orders on horticultural plants that are infested or infected may be appealed pursuant to the procedures of the Administrative Procedure Act.

**Votes on Final Passage:**

Senate 49 0  
House 95 0

Effective: July 25, 1993

**ESSB 5379**

C 212 L 93

Making major changes to milk and milk products regulations.

By Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Barr, Loveland, Hochstatter and Winsley; by request of Department of Agriculture)

Senate Committee on Agriculture  
House Committee on Agriculture & Rural Development

**Background:** The Washington State Department of Agriculture regulates the production of milk and milk products in the state to protect consumers from unsafe products. Dairies and dairy products are regulated under Chapter 15.32 RCW and fluid milk is regulated under Chapter 15.36 RCW. These chapters are very similar in construction and each has a number of measures which are outdated or which have been superseded by federal law.

**Summary:** Clarification is provided that the director may waive licensure requirements under the Food, Drug and Cosmetic Act if the facility is licensed by the department to conduct the same or similar operations under the state dairy product or fluid milk statutes.

Persons wishing to appeal decisions of the department follow the procedures set forth under the Administrative Procedure Act. The separate appeal procedure under the fluid milk statutes is repealed.

**Votes on Final Passage:**

Senate 49 0  
House 97 0 (House amended)  
Senate 40 0 (Senate concurred)

Effective: July 25, 1993

**SSB 5380**

C 351 L 93

Concerning collective bargaining for members of the Washington state patrol.

By Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice, West, Pelz, Winsley, A. Smith, L. Smith, Snyder, Roach, Owen, Talmadge, Skratek, Niemi, Haugen, Spanel, Drew, Moyer, Jesernig, Sutherland, Rinehart, Williams, Vognild, Sheldon, Loveland, Hargrove, M. Rasmussen, Bauer, Gaspard, Wojahn, Sellar, Quigley and McAuliffe)

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

**Background:** Members of the Washington State Patrol are authorized to collectively bargain on non-wage related matters under the terms of the Public Employees Collective Bargaining Act (PECBA). The act prohibits them from striking, but provides for mediation and fact-finding as a means to resolve disputes in the bargaining process. The findings and recommendations of the fact-finder regarding how the dispute should be resolved are advisory only.

**Summary:** The mediation and fact-finding provisions of PECBA applicable to Washington State Patrol officers are amended. The procedures for using fact-finding are deleted. The mediation and arbitration provisions for "uniformed personnel" are made applicable to patrol officers. The mediator and arbitration panel may not consider wages or wage issues. Criteria guiding the arbitration decision are established.

**Votes on Final Passage:**

Senate 33 11  
House 93 4 (House amended)  
Senate 37 9 (Senate concurred)

Effective: July 25, 1993

**SB 5384**

C 114 L 93

Regulating investment advisory contracts.

By Senators Moore, Newhouse, McAuliffe and Erwin; by request of Department of Licensing

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

**Background:** An investment advisor is prohibited from entering an investment advisory contract that allows the investment advisor to be compensated based on the capital gains or appreciation of the client's funds. However, an investment advisor may be compensated based on a fund average for a definite period or date.

The federal Investment Advisors Act of 1940 contains a similar prohibition on compensation. In interpreting this prohibition, the Securities and Exchange Commission has adopted a regulation that exempts certain compensation arrangements. The criteria for exemption include minimum financial means of the client, requirements on how the compensation is calculated, and the disclosure of material information by the investment advisor to the client.

**Summary:** The director of the Department of Licensing is authorized to adopt rules delineating permissible performance based compensation arrangements for investment advisors. Any rule adopted by the director may only allow those arrangements permitted under the Securities and Exchange Commission's regulations and the federal Investment Advisors Act of 1940.

## SB 5385

### Votes on Final Passage:

Senate 46 0  
House 95 1  
Effective: July 25, 1993

## SB 5385

C 51 L 93

Creating the uniform commercial code fund.

By Senators Moore, Newhouse, McAuliffe and Winsley;  
by request of Department of Licensing

Senate Committee on Labor & Commerce  
House Committee on Financial Institutions & Insurance  
House Committee on Revenue

**Background:** The Department of Licensing administers the Uniform Commercial Code (UCC) program, a federally mandated, nonregulatory service for persons taking security interests in this state. As part of the credit extension process, the credit grantors often take a security interest to protect themselves in the event of borrower default. Before extending credit, a credit grantor generally searches the UCC records to establish whether another creditor has priority over the grantor's intended security interest. If the search reveals no security interest having priority, the creditor files the prescribed documents and fee. Approximately 180,000 filings and 50,000 search requests are processed each year.

Because of current and proposed budget reductions, interest has been expressed in making the UCC program fee supported.

**Summary:** Beginning July 1, 1993, the Department of Licensing is required to deposit all fees collected from the administration of the UCC program into a dedicated fund. Moneys within the account are subject to appropriation and may only be used to administer the UCC program. The director is authorized to set fees at a level sufficient to defray the costs of administering the program.

### Votes on Final Passage:

Senate 40 6  
House 97 0  
Effective: July 1, 1993

## SSB 5386

C 42 L 93

Modifying licensure of home health, hospice, and home care agencies.

By Senate Committee on Health & Human Services  
(originally sponsored by Senators Wojahn, Moyer,  
Gaspard, Deccio, Hochstatter and Winsley)

Senate Committee on Health & Human Services  
House Committee on Health Care

### House Committee on Appropriations

**Background:** In 1988 the Legislature enacted the in-home agency licensure law to regulate services provided by home health, home care and hospice agencies. It authorized the Department of Health (DOH) to operate the regulatory program.

Home health agencies provide two or more medical or health care services to the ill, disabled and infirm such as nursing, physical therapy and the operation of medical equipment. Home care agencies provide personal care services to the ill, disabled and infirm such as homemaker services, respite care and other nonmedical care. Hospice care agencies provide services to terminally ill persons that alleviate pain, and provide emotional and spiritual support. Hospice services also include bereavement care provided to families of terminally ill persons.

The licensure law has a July 1, 1993 sunset termination date and directs the Legislative Budget Committee (LBC) to conduct a performance audit of the program prior to its termination. The LBC recommends repeal of the sunset date. It also recommends housekeeping changes and other modifications of the licensure program aimed at improving its efficiency and effectiveness.

**Summary:** The sunset termination date on the in-home licensure law is repealed.

The definition of a home health agency is expanded allowing agencies that provide only nursing services to voluntarily obtain licensure.

Services provided by licensed pharmacists within their scope of practice are excluded from licensure.

Hospice care agencies that provide hospices services at no charge are exempt from licensure. A home health, home care or hospice license is valid for a two-year period. On-site reviews of in-home agencies must occur within each licensure period.

Licensure fees are based on a sliding scale. Agencies with the highest number of full-time equivalents pay the highest fees. Fee limits are established for on-site reviews and for processing a change in ownership of an in-home agency.

DOH must receive input from licensees concerning interpretive guidelines for each type of in-home license. Personnel policies, procedures and record keeping requirements for volunteers providing services through in-home agencies are reduced. In-home care providers who administer controlled substances and legend drugs must follow Board of Pharmacy rules regarding their use.

Home health or hospice agencies licensed by Medicare, the Community Accreditation Program or Joint Commission on Accreditation of Health Care Organizations are granted licensure without DOH on-site review if the licensing standards of these programs are substantially equivalent to those of DOH. The department is required to make this determination and must have access to all on-site survey reports conducted by these programs as well as

other reports indicating compliance with licensure standards.

Home care agencies licensed by the Department of Social and Health Services (DSHS) or the Area Agencies on Aging are granted licensure without a DOH on-site review if the licensure standards are substantially equivalent to those of DOH. DOH is required to make this determination and must have access to all DSHS on-site survey reports and other relevant reports indicating compliance with licensure standards.

DOH is required to adopt a liberal interpretation in establishing whether Medicare, the Community Accreditation Program, the Joint Commission on Accreditation of Health Care Organizations and DSHS have equivalent licensure standards. Agencies licensed under these other programs are assessed the same fees as agencies licensed under DOH. Restrictions are placed on DOH concerning the performance of validation surveys.

**Votes on Final Passage:**

Senate 46 0

House 97 0

**Effective:** June 30, 1993 (Sections 1-10, 12)

January 1, 1994 (Section 11)

**SB 5387**

C 329 L 93

Including the water pollution control revolving fund in the funds that will be credited with earnings of investments of surplus funds.

By Senators Fraser, Talmadge and Haugen; by request of Department of Ecology

Senate Committee on Ecology & Parks

Senate Committee on Ways & Means

House Committee on Environmental Affairs

House Committee on Revenue

**Background:** The water pollution control revolving fund (also known as the state revolving loan fund) was created by the 1988 Legislature in order to receive federal grants for financing water pollution control facilities. Authorized under the federal Clean Water Act, these capitalization grants were intended as seed money for the establishment of permanent revolving funds. Loans are made from the fund to local governments for the purpose of providing capital for water pollution control facilities.

The water pollution control revolving fund will continue to receive federal capitalization grants until 1995 after which time the fund is to be sustained entirely through loan repayments and interest earnings.

In 1991, the Legislature passed a law requiring that the interest earnings from most state funds, including the water pollution control revolving fund, be credited to the general fund-state.

The U.S. Environmental Protection Agency (EPA) has stated that the diversion of interest from the revolving fund to the general fund is a violation of the federal Clean Water Act. The state Attorney General's office agrees.

Since federal law supersedes state law, the office of the State Treasurer has been crediting the water pollution control revolving fund with its own interest, and will continue to do so in the future. Interest earnings from the revolving fund are not included in the forecast for the general fund-state.

The EPA has taken the position that the state must certify that the Department of Ecology is in compliance with all federal requirements, including providing assurances that the interest will accrue to the account now and in the future.

**Summary:** The State Treasurer may invest and reinvest moneys in the water pollution control revolving fund in the manner provided by law. All earnings from such investment is credited to the water pollution control revolving fund.

The water pollution control revolving fund receives its proportionate share of earnings from the treasury income account based upon the fund's average daily balance.

**Votes on Final Passage:**

Senate 47 0

House 97 0 (House amended)

Senate 39 0 (Senate concurred)

**Effective:** May 12, 1993

**SSB 5402**

C 352 L 93

Authorizing a study of the feasibility of expanding literacy in mathematics, science, and technology.

By Senate Committee on Higher Education (originally sponsored by Senators Jesernig, Sellar, Bauer and Hochstatter)

Senate Committee on Higher Education

House Committee on Higher Education

**Background:** Over the past ten years many national studies have documented a decline in the quality of mathematics and science education in the United States. Educators and scientists have noted a general functional illiteracy in, and aversion to, the subjects of science and mathematics. In 1989, the Charlottesville Education Summit adopted the goal of making the United States first in the world in science and mathematics achievement.

There is also a growing consensus that the state of Washington needs to diversify its economy by attracting and developing new high technology related industries. These new educational and economic factors bring many to the conclusion that improving literacy and education in the areas of mathematics, science and technology will become increasingly important to the future of the state.

## SSB 5404

**Summary:** The Higher Education Coordinating Board may solicit, receive and expend private gifts and grants to conduct a study on the feasibility of creating a Washington State institute for science, technology, and society. If sufficient funds are available by July 1, 1994, the board may contract with an appropriate person or entity to conduct the study. The study must be completed by July 1, 1995. The Higher Education Coordinating Board must report the findings, conclusions and recommendations to the Legislature by January 1, 1996.

The study will identify the appropriate role and mission of an institute, examine options for a governmental structure and location, and determine options for funding.

The purposes of a Washington State institute for science, technology and society are identified: implement a long-range mathematics, science and technology literacy program; develop and disseminate textbooks and course materials; provide training through workshops and institutes; coordinate the dissemination of information to groups and agencies; and provide technical expertise to common schools and institutions of higher education.

### Votes on Final Passage:

Senate	48	0	
House	90	4	(House amended)
Senate	41	0	(Senate concurred)

**Effective:** July 25, 1993

## SSB 5404

C 326 L 93

Allowing a private right of action under the model toxic control act.

By Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser and Barr)

Senate Committee on Ecology & Parks  
House Committee on Environmental Affairs

**Background:** The Model Toxics Control Act (MTCA) was adopted by the voters as Initiative 97 in November 1988. The purpose of the act is to raise sufficient funds to clean up hazardous waste sites and to prevent creation of future hazards due to improper disposal of toxic wastes into the state's land and water.

The state Supreme Court has ruled that a party who incurs costs in the cleanup of a hazardous waste site does not have the right to seek contribution from other responsible parties under MTCA.

**Summary:** Parties involved in the cleanup of a site contaminated with hazardous substances may bring a claim for contribution or for declaratory relief for recovery of remedial costs under MTCA. Remedial action costs may include cleanup and investigation costs. The recovery of remedial action costs is based on the cost of a comparable Department of Ecology conducted or supervised remedial action. Natural resource damages may also be recovered.

Recovery costs are based on equitable factors as the court determines. Remedial action costs include reasonable attorney fees and expenses.

Parties may bring an action for contribution after remedial action costs are incurred. The action must be brought within three years of the cleanup action or within one year of this act. All cleanup activities for which contribution is sought must meet the standards for hazardous waste cleanup as established by rule by the Department of Ecology. The prevailing party in a contribution action shall recover reasonable attorney fees and costs.

The act applies both retroactively and prospectively. The act contains a severability clause.

### Votes on Final Passage:

Senate	43	4	
House	97	0	(House amended)
Senate	40	1	(Senate concurred)

**Effective:** May 12, 1993

## SSB 5407

C 353 L 93

Regarding county administration of agricultural burning permits.

By Senate Committee on Ecology & Parks (originally sponsored by Senators Loveland, Barr and M. Rasmussen)

Senate Committee on Ecology & Parks  
House Committee on Environmental Affairs

**Background:** A permit is required for agricultural open burning, burning for weed abatement, and for fires set for fire fighting training. The permit system is administered by the Department of Ecology, and by local air pollution control authorities where such authorities exist. Permits may be issued on a seasonal or individual fire basis, and are to comply with statewide standards adopted by the department. Applicants for permits are to show that the setting of fires is reasonably necessary, and permits are to be designed to minimize air pollution. Time limits for acting upon permit applications are specified in circumstances such as controlling diseases, insects, weed abatement, and increasing crop yield. Permit fees are to be assessed to cover the administrative costs.

**Summary:** The Department of Ecology and local air authorities are required to provide convenient methods for issuance and oversight of agricultural burn permits. Convenient methods for obtaining an agricultural burning permit may include telephone, facsimile transmission and issuance from local city or county offices. Fees collected by a local entity for the costs of administering the program may be retained by the local entity. Local air authorities may delegate a part or all of the program to a fire protection agency, county or conservation district desiring to administer the program and found to be capable of effectively administering the program.

**Votes on Final Passage:**

Senate	48	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)

**Conference Committee**

House	96	0
Senate	42	0

Effective: July 25, 1993

**ESB 5411**

C 54 L 93

Modifying provisions regarding fuel taxes.

By Senators Vognild, Prince, Prentice, Drew, Sheldon and Sellar; by request of Department of Licensing

Senate Committee on Transportation  
House Committee on Transportation

**Background:** Motor fuel purchased for use outside the state is exempt from the motor fuel tax. Some users who purchase fuel under this exemption are not registered as distributors and are not subject to the same reporting requirements as distributors.

Distributors who fail to submit a report on gallons of motor fuel distributed in any month are required to pay fuel taxes based on a Department of Licensing (DOL) estimate of gallons sold. In addition, a 10 percent penalty is assessed. In other cases, a penalty of 2 percent is assessed for late payment of taxes due.

The Motor Fuel Importer Use Act of 1963 allows the state to assess a use tax on fuel purchased out of state that is used in-state. The definition of commercial vehicles in this act is not consistent with the definition found in several other statutes, including those addressing the special fuel tax, proportional registration, and the International Fuel Tax Agreement.

All purchases of special fuel pumped directly into the fuel supply tank of a vehicle are subject to the special fuel tax at the time of purchase, except at unattended cardrol or keylock metered pumps. The DOL feels that the ambiguity of the language regarding keylock pumps allows some special fuel users to use exempt special fuel for nonexempt purposes and causes confusion on the part of dealers.

Periodically, the DOL, in coordination with the Parks and Recreation Commission, estimates the amount of fuel used by snowmobiles for purposes of determining the amount of fuel tax to be deposited into the snowmobile account. In 1990, the frequency of the evaluation was changed from once every four years to once every two years.

**Summary:** The definition of motor fuel distributor is changed to include any person who purchases motor fuel exempted as a fuel for export and exports it via commercial motor vehicle (i.e., truck).

For cases in which the DOL has not received a monthly gallonage report of fuel sold by distributors and charges for

taxes due based on a department estimate, the penalty assessed is changed from 10 percent to up to 10 percent of the taxes due.

The definition of commercial vehicles used for purposes of assessing tax on imported fuel is changed to conform with the definition in other statutes.

Farmers, logging companies, and construction companies may receive special authorization from DOL that excuses them from paying the special fuel tax at the time of purchase for fuel pumped directly into a vehicle fuel tank and used off-highway. Language pertaining specifically to fuel pumped at unattended keylock or cardrol pumps is deleted.

The Department of Licensing estimate of snowmobile fuel use must be executed once every four years.

References to "director" are changed to "department" in certain statutes pertaining to motor fuel distributors.

**Votes on Final Passage:**

Senate	49	0
House	97	0

Effective: July 25, 1993

**ESB 5423**

C 55 L 93

Developing a public transportation policy plan.

By Senators Skratek and Prince; by request of Department of Transportation

Senate Committee on Transportation  
House Committee on Transportation

**Background:** While transit service is essentially a local government responsibility in Washington, there is a significant state interest in assuring that viable transit service is available throughout the state. Recent legislative enactments such as growth management and transportation demand management emphasize that state interest.

At the federal level, the Intermodal Surface Transportation Efficiency Act (ISTEA) requires that transit projects funded with federal transit funds be included in a state transportation improvement program (TIP) and a public transportation management system be developed by the state in cooperation with regional and local public transportation agencies.

Currently, there is no state requirement for a state-level transit plan to guide local transit agencies. During the last several years, the Washington State Department of Transportation has established an extensive state transportation policy planning effort. This last year a subcommittee of this group was formed to address the state's goals for public transportation.

**Summary:** The Department of Transportation is directed to develop a state public transportation plan as part of an overall statewide transportation plan. The public transportation plan must articulate the state interest in public trans-



## SB 5426

portation and identify goals and the agencies responsible for achieving each of them. The plan must also include the following recommendations: ways to better coordinate public transportation planning; mechanisms to coordinate public transportation with other transportation modes and services; funding allocation criteria for federal funds; and the facilities and equipment management system required by federal law.

In developing the plan the department must involve interested parties including public and private providers of public transportation, nonmotorized interests, cities, counties and other state agencies.

### Votes on Final Passage:

Senate 49 0  
House 96 0

Effective: July 25, 1993

## SB 5426

C 102 L 93

Consolidating gross weight permit authority.

By Senators Loveland, Newhouse, Vognild and Prince; by request of Department of Transportation

Senate Committee on Transportation  
House Committee on Transportation

**Background:** Vehicles over 4,000 pounds must be licensed to their maximum declared gross weight, 40,000 pounds for a single unit vehicle and 80,000 pounds for a combination vehicle. The combined license fee (vehicle registration plus declared gross weight) is collected by the Department of Licensing (DOL) at the time of annual vehicle registration. If the vehicle's gross weight, including the load, exceeds these limits, additional tonnage is purchased from the Department of Transportation (DOT) for up to 105,500 pounds if the vehicle meets the legal axle loading (20,000 single axle, 34,000 tandem) and spacing requirements of the statutory weight table. The annual additional tonnage fee is \$52.50 for each 1,000 pounds of additional weight. Consolidating the additional tonnage and the combined license fees eliminate the need for many carriers to obtain a second annual license, and brings the trucking industry closer to the "one stop shopping" concept.

The federal bridge formula established by Congress requires all states to comply with specific vehicle axle loading and spacing requirements. The purpose of the bridge formula is to allow a vehicle to operate at a maximum weight that minimizes pavement damage. The state of Washington is currently not in full compliance with the bridge formula.

Special oversize/overweight permits are issued by the DOT for loads that cannot be reasonably reduced and exceed the statutory width, height, length and weight table. Oversize special permits may be purchased on a monthly basis. However, there is no provision for the advanced

purchase of permits for the ensuing months. If an individual wishes to purchase an oversize permit for three consecutive months, three separate monthly permits must be purchased on separate occasions.

Certain vehicle configurations, such as cement pumping trucks and well digging rigs, do not qualify for the 30-day special overweight permits issued by the DOT. These four-axle, fixed load vehicles must purchase a single \$10 trip permit for each movement.

**Summary:** The Department of Transportation's (DOT) annual additional tonnage permit and fee structure are incorporated into the combined license fee collected by the Department of Licensing. Distribution of the revenue from the combined license fee is adjusted to reflect incorporation. Temporary additional tonnage may be purchased from DOT or its agents at the rate of \$2.80 for each 2,000 pounds for a five-day minimum.

The state of Washington is brought into compliance with the federal bridge formula. The DOT may issue its 30-day overdimensional permits for expanded periods of up to one year. A \$90, 30-day overweight special permit is created for the movement of four-axle fixed load cement trucks and well drilling rigs weighing less than 86,000 pounds.

### Votes on Final Passage:

Senate 48 0  
House 97 0

Effective: July 25, 1993

## ESB 5427

C 103 L 93

Setting tire limits on vehicles weighing over ten thousand pounds.

By Senator Loveland; by request of Department of Transportation

Senate Committee on Transportation  
House Committee on Transportation

**Background:** "Super single radials," wider tires, allow a vehicle to carry more weight on a single tire. As a result of this advanced technology, the axle configurations on many trucks and truck/trailer combinations are being converted from four tires per axle to two tires per axle. This conversion intensifies pavement rutting, thereby reducing the service life of highway pavements by 10 to 25 percent.

**Summary:** Any axle manufactured after July 1, 1993, and carrying more than 10,000 pounds must be equipped with four tires.

Effective January 1, 1997, any axle carrying more than 10,000 pounds must have four or more tires, regardless of date of manufacture. In lieu of the four-tire-per-axle requirement, an axle may be equipped with two tires limited

to 500 pounds per inch width of tire, or in the case of a tag axle on a cement truck, 600 pounds per inch width.

The axle provisions do not apply to a nonliftable steering axle on the power unit, a tiller axle on a fire truck, or a nonreducible load operating under a Department of Transportation oversize/overweight permit.

The Department of Transportation with respect to state highways, and local authorities with respect to highways within their jurisdictions, may extend the statutory weight table from 105,500 to 115,000 pounds, provided that the extension is in compliance with federal law and the 1997 axle and tire requirements.

**Votes on Final Passage:**

Senate 42 3  
House 98 0

**Effective:** July 25, 1993

**SSB 5432**

C 56 L 93

Studying discrimination based on race and national origin in home mortgage lending.

By Senate Committee on Labor & Commerce (originally sponsored by Senators Pelz, Prentice, Moore, Franklin, Bauer, Wojahn, Fraser and Skratek)

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

**Background:** In 1975, Congress enacted the Home Mortgage Disclosure Act (HMDA) to require certain financial institutions to compile and disclose data about applications they receive for home purchase and improvement loans. Data is annually provided to federal regulators, and certain data must be made available for public inspection.

While community organizations use the data to assess the home lending activities of local institutions, financial institutions use the data to evaluate the success of loan marketing and community outreach programs. Supervisory agencies use HMDA data to assess the performance of financial institutions in satisfying their compliance with the Community Reinvestment Act, the Fair Housing Act, and the Equal Credit Opportunity Act.

The Federal Reserve Bank has released reports showing discrepancies in loan rejection rates between racial classifications. Interest has been expressed in reviewing this data, any conclusions therefrom, and potential remedial actions.

**Summary:** The Supervisor of Banking and Supervisor of Savings and Loan Associations are directed to perform a study of discrimination based on race and national origin in home mortgage lending after 1990.

The study is to (1) address the nature of the problem and why it is occurring, (2) consider activities by financial institutions to solve the problem, and (3) suggest resolutions for institutions operating within Washington. The study shall be provided to the House Financial Institutions

and Insurance Committee and the Senate Labor and Commerce Committee by December 1, 1993.

**Votes on Final Passage:**

Senate 48 0  
House 98 0

**Effective:** July 25, 1993

**SB 5441**

C 213 L 93

Updating statutes for rehabilitation services for handicapped persons.

By Senators McAuliffe, Erwin, Talmadge, M. Rasmussen, Drew, Spanel, Loveland, von Reichbauer and Winsley; by request of Department of Social and Health Services

Senate Committee on Health & Human Services  
House Committee on Human Services

**Background:** The current state law regarding rehabilitation services for persons with disabilities is over 20 years old. As a result the law contains language which is archaic and in some cases demeaning to the intended recipients of the services provided. In addition, rehabilitation practices have changed since the existing statute was enacted.

The current law is also inconsistent with federal law and regulations in a number of respects. Federal guidelines narrow the scope of eligibility to individuals with disabilities. People who have cultural, social or behavioral disadvantages are not covered under federal law as they are under state law. Federal law requires the active participation of both the state Rehabilitation Advisory Council and the state Independent Living Advisory Council. Both of these advisory bodies exist in Washington, but the role they play is not specifically addressed in statute.

**Summary:** The statutes providing rehabilitation services for individuals with disabilities are updated to reflect current terminology associated with individuals with disabilities. The language is changed to describe current vocational rehabilitation services and to bring state law into line with federal law.

Eligibility for services is limited to those who have a qualifying disability. People whose barriers to employment are social, cultural, educational, environmental or vocational problems are not eligible for services unless they have a qualifying disability.

The Department of Social and Health Services (DSHS) must coordinate administration of rehabilitation services with the state Rehabilitation Advisory Council and the state Independent Living Advisory Council. DSHS may establish cooperative agreements with other state and local agencies.

**Votes on Final Passage:**

Senate 45 0  
House 87 0

**Effective:** July 25, 1993

**ESB 5442**

C 121 L 93

Clarifying authority of tow truck operators.

By Senators Vognild, Sellar, Skratek and von Reichbauer

Senate Committee on Transportation

House Committee on Transportation

**Background:** The Washington State Patrol (WSP) has the authority to remove vehicles from the highway directly or through tow truck operators. The WSP may appoint tow truck operators and call them on a rotational basis. In addition, it may contract with specific operators for impounding and storing vehicles.

A registered tow truck operator who has custody of an impounded vehicle is required to release the vehicle to the registered owner on payment of sufficient commercially reasonable tender to pay the amount of the lien. Commercially reasonable tender includes cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph.

Any person who redeems an impounded vehicle has the right to a district court hearing to contest the validity of the impound or the amount of towing and storage charges.

If an impound is found to have been improper, the court is required to enter judgment against the person or agency that authorized the impound.

Registered tow truck operators and unlicensed towing firms are exempt from the Utilities and Transportation Commission's regulatory authority.

**Summary:** The WSP is prohibited from rescinding a registered tow truck operator's letter of appointment because the operator negotiates a different rate for an owner-requested tow than for the WSP contracted rate.

If during the course of accepting a check the registered tow truck operator can verify that the check would not be paid by the bank or guaranteed by a check verification service, the registered tow truck operator may refuse to accept the check.

The court may not adjust fees or charges that are in compliance with posted or contracted rates.

If an impound is found to have been improper, the court is to enter judgment in favor of the tow truck company against the person or agency authorizing the impound. Language is clarified with respect to judgments entered in favor of legal and registered owners.

Language is clarified to ensure that registered tow truck operators and unlicensed towing firms are exempt from the Utilities and Transportation Commission's regulatory authority.

An obsolete definition of abandoned vehicles is repealed from the Model Traffic Ordinance.

**Votes on Final Passage:**

Senate 48 0

House 97 0

Effective: July 25, 1993

**SSB 5443**

C 354 L 93

Modifying the regulation of livestock.

By Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Barr and Loveland; by request of Department of Agriculture)

Senate Committee on Agriculture

House Committee on Agriculture & Rural Development

**Background:** The Washington State Department of Agriculture is charged with a number of varied regulatory programs including the regulation of public livestock markets and brand inspections.

Public livestock markets pay the department a statutorily set fee ranging from \$100 for a market with gross sales volume of up to \$10,000, \$200 for a market with a volume of between \$10,000 and \$50,000, and \$300 for a volume over \$50,000. Additionally, there is a fee of \$60 per day for brand inspection at public livestock markets.

To operate a certified feedlot in Washington, the owner must have a current license issued by the Department of Agriculture. The current fee is set at \$500. Also, feedlots must pay a fee of 10 cents per head of cattle handled.

The brand inspection program is funded by fees also set by statute. The fee to register a brand is \$25 and renewal is \$25 for a two-year period. A copy may be obtained by the owner of the brand for \$5. The fee to record a title transfer for livestock brands is \$10. The inspection fee for cattle and horses is set at a range of from 30 to 50 cents per head.

**Summary:** The licensing fees for public livestock markets are increased to a range of: \$100 to \$150 for markets with a gross sales volume of up to \$10,000, \$200 to \$350 for markets with a volume of over \$10,000 and up to \$50,000, and \$300 to \$450 for a volume over \$50,000. Additionally, the fee for brand inspection at public livestock markets is set by rule.

The fee to operate a certified feedlot is set within the range of \$500 to \$750. Also, feedlots must pay a fee of from 10 to 15 cents per head of cattle handled in the feedlot.

The renewal fee for brands is set at no less than \$25, and a late filing fee may be charged. A certified copy of the brand may be obtained by the owner of the brand for a fee at not more than \$7.50. The fee to record a title transfer for livestock brands is set at not more than \$15. The inspection fee for cattle and horses is increased to a range of from 50 to 75 cents per head for cattle, and from \$2 to \$3 per head for horses.

An advisory board for the livestock identification program is created by the Department of Agriculture. The

board is composed of six members appointed by the director. One member represents each of the following groups: Beef producers, public livestock market operators, horse owners, dairy farmers, cattle feeders, and meat processors. In making appointments, the director solicits nominations from organizations representing these groups statewide. The board is to advise the director of Agriculture in setting fees for the livestock identification program including licensing of public livestock markets, brand recording, brand inspection, and assessments paid by certified feedlots.

**Votes on Final Passage:**

Senate	43	3	
House	91	7	(House amended)
Senate	44	3	(Senate concurred)

**Effective:** July 25, 1993

**SB 5444**

C 57 L 93

Eliminating the termination of hospice care and service coverage as medical assistance.

By Senator Talmadge; by request of Department of Social and Health Services

Senate Committee on Health & Human Services  
House Committee on Health Care  
House Committee on Appropriations

**Background:** Hospice benefits provided through the state's medical assistance program expire on June 30, 1993, unless the termination provision is repealed by the Legislature. Currently, categorically needy medical assistance clients are covered under hospice benefits but terminally ill medically needy clients are not. It has been found that providing hospice care is a cost-effective and successful policy.

**Summary:** The sunset provision terminating hospice benefits provided through the medical assistance program is eliminated. Hospice benefits are extended to the medically needy as well.

**Votes on Final Passage:**

Senate	44	0
House	98	0

**Effective:** July 25, 1993

**ESSB 5452**

C 355 L 93

Requiring misdemeanants to pay jail costs.

By Senate Committee on Law & Justice (originally sponsored by Senators Hargrove, Deccio, Oke and Hochstatter)

Senate Committee on Law & Justice  
House Committee on Corrections

**Background:** Superior court judges are allowed to order defendants convicted of felonies to pay for the cost of their incarceration. The court first determines that the defendant has the ability to pay the cost of his or her incarceration, in addition to any other financial obligations imposed. If the court determines that the defendant can pay for the costs of incarceration, the court has the discretion to order \$50 per day of incarceration be paid by the defendant.

**Summary:** Superior and district court judges may order defendants convicted of misdemeanors and gross misdemeanors to pay for the cost of their incarceration at the rate of up to \$50 per day. Indigent defendants are not required to pay the costs of incarceration. The cost of incarceration is not recovered until all other legal financial obligations are paid. The funds received can be used by the cities or counties for criminal justice purposes.

**Votes on Final Passage:**

Senate	48	0	
House	97	1	(House amended)
Senate	40	0	(Senate concurred)

**Effective:** July 25, 1993

**SB 5455**

C 131 L 93

Correcting the codification of a section relating to chemical dependency.

By Senators Fraser, Deccio and Talmadge; by request of Law Revision Commission

Senate Committee on Health & Human Services  
House Committee on Human Services

**Background:** In 1989 the Legislature passed two major bills revising the drug and alcohol laws. One bill repealed the law which prohibited the Department of Social and Health Services from refusing treatment to indigent applicants and recodified the alcohol treatment statutes into a new chapter. The other bill revised the treatment statute allowing the department to prioritize admissions, but did not recodify the statute in the new alcohol treatment chapter.

**Summary:** The statute which allows the department to prioritize alcohol treatment admissions is recodified in the new alcohol treatment chapter.

**Votes on Final Passage:**

Senate	49	0
House	96	0

**Effective:** July 25, 1993

**SSB 5471**  
**PARTIAL VETO**  
C 356 L 93

Changing provisions relating to nonprofit corporations.

By Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, Quigley, Nelson and Snyder; by request of Secretary of State)

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** The corporation division of the Office of the Secretary of State is planning to automate the processing of all corporate documents. In order to automate the division more efficiently, registrations, renewal times, dissolutions, and unified business identification (UBI) registration rules need to be made consistent with the for-profit corporation requirements.

Many individuals, businesses, and corporations use the corporation division filings in their daily activities, which results in continual requests for copies of documents. Fees for these requests need to be adjusted as inflation increases costs. The ability of the Secretary of State to administer the corporation division would be improved if fees, along with staggered and biennial renewal cycles, could be established by rule.

Corporations are also required to file annual reports with the Secretary of State. It is suggested that the Secretary of State be afforded the flexibility to allow for the filing of a biennial report, and to establish staggered reporting dates.

**Summary:** Nonprofit corporation registration is brought into conformity with the existing for-profit corporation registration statutes.

Revenue clearance requirements, UBI registration, and various administrative provisions are modified to align with the for-profit corporation statutes. The period within which a dissolved or revoked nonprofit corporation may be reinstated is changed to three years throughout the statute.

The Secretary of State is required to set by rule all copy, certification, and service of process fees for nonprofit corporations.

In addition, the Secretary of State may provide by rule for the filing of biennial reports by nonprofit corporations, and the staggering of the reporting dates.

**Votes on Final Passage:**

Senate 46 0  
House 92 0

**Effective:** July 1, 1993

**Partial Veto Summary:** The veto removes language which is duplicated in another corporations measure that passed the Legislature.

**VETO MESSAGE ON SSB 5471**

May 15, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

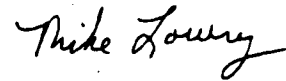
I am returning herewith, without my approval as to sections 12 and 24, Substitute Senate Bill No. 5471, entitled:

"AN ACT Relating to nonprofit corporations:"

Sections 12 and 24 amend current law and duplicate language contained in sections 6 and 8 of Substitute Senate Bill No. 5492 which I signed into law on May 7, 1993. For this reason, I have vetoed sections 12 and 24 of Substitute Senate Bill No. 5471.

With the exceptions of sections 12 and 24, Substitute Senate Bill No. 5471 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

**SB 5474**  
**PARTIAL VETO**  
C 510 L 93

Revising laws relating to discrimination.

By Senators A. Smith, Pelz, Niemi, Spanel, Drew, Prince, Roach and Franklin; by request of Human Rights Commission

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** The Human Rights Commission is the state agency charged with the administration of law against discrimination based on race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental or physical handicap in employment, credit and insurance transactions, public resorts, accommodations, amusements and real property transactions. This agency provides an administrative remedy as an alternative to civil court proceedings.

To ensure the functioning of this alternative process, it is the belief of the agency that the penalty imposed for humiliation and mental suffering must be sufficient to deter violations of the act. Accordingly, the maximum penalty of \$1,000 is believed to be insufficient.

Additionally, in response to a growing number of active workers who are over the age of 70, the federal government has removed that age as a ceiling for similar rights pursuant to federal law. Within that context, there is a belief that the state remedy should parallel that of the federal government.

Finally, it is believed that it is necessary to add the use of trained guide dogs for the sensory impaired as a protected class.

**Summary:** The definitions of discrimination are revised by deleting the term "handicap" and substituting "disability or the use of guide dogs by disabled persons." The maximum penalty for humiliation and mental suffering is increased from \$1,000 to \$10,000. The definition of age discrimination is revised by removing the maximum age. The definition of disability is limited so as not to include certain sexual behaviors, compulsive gambling, kleptomania and disorders resulting from the use of illegal drugs. The Consumer Protection Act is determined to be a concurrent remedy except for employee/employer actions and real estate transactions subject to other provisions of law.

**Votes on Final Passage:**

Senate	25	22	
House	96	0	(House amended)
Senate			(Senate concurred in part)
House	95	0	(House receded in part)
Senate	19	28	(Failed)
Senate	27	20	(Reconsidered)

**Effective:** July 25, 1993

**Partial Veto Summary:** The section limiting the commission's power to interpret and define the term "disability" as it applies to any sensory, mental or physical condition is deleted. The section containing duplicatory provisions regarding real property transactions is deleted.

**VETO MESSAGE ON SB 5474**

May 18, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 5 and 19, Senate Bill No. 5474, entitled:

"AN ACT Relating to discrimination;"

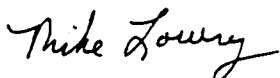
Senate Bill No. 5474 strengthens the penalties available to the Human Rights Commission for civil rights violations. I strongly support the bill's direction in this, as well as a number of technical clean up provisions. However, section 5 of the bill would unnecessarily amend the definition of disability in Chapter 49.60 RCW, the state Law Against Discrimination. The determination of disabilities under current law can be examined by the Commission on a case by case basis.

Section 19 of the bill amends RCW 49.60.224. This same section of law is amended to include the changes contained in this bill in section 8 of House Bill No. 1476 which I have already signed. Therefore, section 19 is unnecessary.

For these reasons, I have vetoed sections 5 and 19 of Senate Bill No. 5474.

With the exception of sections 5 and 19, Senate Bill No. 5474 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

**SSB 5479**

C 129 L 93

Declaring Washington state children's day.

By Senate Committee on Health & Human Services (originally sponsored by Senators Fraser, Deccio, Talmadge, Moyer, Franklin, M. Rasmussen and Oke)

Senate Committee on Health & Human Services  
House Committee on State Government

**Background:** Although Washington State has had its children recognized in the past with a Children's Day proclaimed by the Governor, there is currently no ongoing celebration of Children's Day. National Children's Day was proclaimed by Congress in 1990, and designated as the second Sunday in October.

**Summary:** A Washington State Children's Day is created. It is observed on the second Sunday in October, but is not treated as a legal holiday.

**Votes on Final Passage:**

Senate	49	0
House	92	1

**Effective:** July 25, 1993

**ESSB 5482**

C 66 L 93

Defining rights of tenants in mobile home parks.

By Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Skratek, M. Rasmussen, Spanel, Prentice, Franklin, McAuliffe, A. Smith, Drew and von Reichbauer)

Senate Committee on Trade, Technology & Economic Development  
House Committee on Trade, Economic Development & Housing

**Background:** Development pressures, particularly in urban areas, have resulted in the conversion of mobile home parks to other uses at an alarming rate. As a result, a significant number of mobile home park tenants, many of whom are elderly and low income, have been forced to find alternative living arrangements. This is increasingly difficult, given the low vacancy rate in many parks in this state.

It is suggested that mobile home park tenants should be given the opportunity to purchase the mobile home park in which they live should it become available for sale.

Mobile home park owners have also expressed a desire to be able to purchase mobile homes that are put up for sale in their parks.

The Mobile Home Landlord-Tenant Act regulates the relationship between the owner of a mobile home park and the tenants of the park. Key provisions of the act require



the tenant be offered a written rental agreement for a term of at least one year, require the tenant be provided with a copy of all park rules, prohibit entrance fees or exit fees, prohibit certain actions by the landlord, and specify the duties of the landlord and the tenant. Thirty-two other states have established Mobile Home Landlord-Tenant Acts.

A landlord is authorized to terminate any tenancy without cause if at least one year's notice is provided. In addition, a tenant may be evicted for the following reasons: substantial repeated violations of park rules; nonpayment of rent; conviction of a crime which threatens the health and safety of other tenants; failure to comply with state and local laws; change in land use of the park; and engaging in drug-related activity.

**Summary:** Qualified tenant organizations, consisting of 60 percent of the tenants in a mobile home park, that provide a written notice to the mobile home park owner of their intention to purchase the park must be notified by the park owner if an agreement to purchase the park is reached with a prospective buyer.

The tenant organization has 30 days after the notice is received from the park owner to present a fully executed purchase and sale agreement to the owner along with 2 percent of the agreed purchase price. The agreement must be as favorable to the park owner as the original agreement. If the above conditions are met, the park owner must sell the mobile home park to the tenant organization.

The tenants must be ready to close the sale under the same terms as contained in the original purchase agreement.

Conditions under which a park owner may sell to another buyer are outlined.

In the event the park owner violates the notice provisions of the act and proceeds with the sale of the park, the sale may be voided by a superior court.

The Department of Community Development may make loans from the mobile home park purchase fund to: resident organizations for the financing of park conversion costs if a significant portion of the residents are low-income or infirm; or low-income residents of mobile home parks converted or planning to be converted to resident ownership. Additional loan eligibility requirements are outlined.

Loans may be made for terms of up to 30 years. The department shall establish the rate of interest to be paid on the loans. The department must obtain security for the loans.

The Department of Community Development may provide technical assistance to resident organizations desiring to convert a mobile home park to resident ownership.

Mobile home park owners are given the right of first refusal on mobile homes that are put up for sale in their parks. The mobile home park owner has ten days from the date of the home owner's notice of receiving a purchase agreement to provide the mobile home owner with a fully

executed purchase and sale agreement and a down payment equal to 5 percent of the agreed purchase price. The mobile home owner must be ready to close the sale under the same terms of the original purchase agreement.

The sale or transfer of mobile home parks or mobile homes to relatives are excluded from the right of first refusal provisions.

Mobile home park rules can only be enforced against a tenant if: (1) their purpose is to promote the convenience, safety or welfare of the residents, protect and preserve the premises from abusive use, or make a fair distribution of services and facilities that are generally available to tenants; (2) they are reasonably related to the purpose for which they are adopted; (3) they apply to all tenants in a fair manner; (4) they are not for the purpose of evading an obligation of the landlord; and (5) they are not retaliatory or discriminatory in nature.

A mobile home landlord may no longer terminate tenancy in a mobile home park without cause. The list of reasons for which a mobile home tenant may be terminated is expanded.

Recreational vehicles are specifically exempt from the eviction requirements of the Mobile Home Landlord-Tenant Act.

Door-to-door solicitation by political candidates in mobile home parks and political forums or meetings of organizations that represent the interest of tenants may not be prohibited in mobile home parks.

A tenant that sells or transfers the title of his or her mobile home and the rental agreement for the mobile home lot to another individual is required to notify the landlord within 15 days of the intended transfer.

Landlords are given the authority to patrol the park grounds to assure that tenants are complying with all codes, laws, rental agreements and park rules.

**Votes on Final Passage:**

Senate 41 0  
House 98 0

**Effective:** July 25, 1993

**SSB 5483**

C 473 L 93

Providing for arbitration in public transportation labor negotiations.

By Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice, Winsley, Vogtild, Wojahn, Moore, Rinehart, McAuliffe, Sutherland, Pelz and Franklin)

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

**Background:** In 1964, the U.S. Congress passed the Urban Mass Transportation Act (UMTA) to provide financial assistance to state and local governments for the develop-

ment of mass transportation systems. This included providing financing for the acquisition of already-existing private transit systems. A state or local government may not receive these funds, however, unless the agency enters into an agreement, known as a Section 13(c) agreement, which details the conditions the state or local government must meet.

One of the conditions to receiving federal assistance requires employers to preserve the rights, privileges and benefits to employees under existing collective bargaining agreements. Until 1982, the Secretary of Labor and the lower federal courts required that transit employers provide their employees with a right to interest arbitration for labor disputes, because as public employees, they no longer had a right to strike.

In 1982, however, the U.S. Supreme Court held that disputes arising under Section 13(c) agreements must be decided in state courts according to state law. Under Washington statute, transit workers do not have the right to interest arbitration.

**Summary:** The general binding arbitration provisions of the Public Employees' Collective Bargaining Act are made applicable to employees of local government transportation systems, with certain special provisions.

Negotiations between the parties may commence at any time. If no agreement has been reached 90 days after the commencement of negotiations, the issues in dispute may be submitted to mediation by either party. Mediation may be provided by the Public Employment Relations Commission, or others, at the discretion of the parties.

If no agreement is reached following a reasonable period of negotiations and mediation, either party may demand that the issues in disagreement be submitted to arbitration. Criteria that the arbitration panel is to consider in making its decisions are established.

**Votes on Final Passage:**

Senate	34	14	
House	62	36	(House amended)
Senate	31	15	(Senate concurred)

**Effective:** July 25, 1993

**SB 5484**

C 357 L 93

Preserving rights under prior lien laws.

By Senators Quigley, Roach, Vognild, Prince, Loveland, Moyer, McAuliffe and L. Smith

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

**Background:** Major revisions of the construction lien law were enacted in 1991 and 1992. Both the 1991 and 1992

acts became effective June 1, 1992. Most of the existing construction lien law was repealed by the 1991 act.

Due to the length of some construction projects, rights established under the previous law may still be unforfeited.

An argument can be made that these rights vanished with the repeal of the old law, a result which certainly was not intended.

**Summary:** Rights established under the construction lien law, as it existed prior to June 11, 1992, are expressly preserved.

The savings clause is made retroactive to June 1, 1992.

**Votes on Final Passage:**

Senate	46	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

**Effective:** May 15, 1993

**SSB 5487**

C 53 L 93

Changing provisions regarding agister liens.

By Senate Committee on Agriculture (originally sponsored by Senators Bauer, Barr, M. Rasmussen, Snyder, Gaspard, Vognild, Newhouse, Drew, Sutherland, Quigley, Hochstatter and Loveland)

Senate Committee on Agriculture  
House Committee on Agriculture & Rural Development

**Background:** An agister is any person who keeps horses, mules, cattle, or sheep for purposes of feeding, herding, pasturing, training, caring for, or ranching. The agister lien provides a legal remedy for any agister who is not paid by the owner of an animal.

The lien attaches on the date payment is due and remains in effect until the amount due is paid or 60 days (unless the lien is enforced within that time period). The agister is authorized to retain the animal until the lien is satisfied.

To perfect the lien the lien holder must give written notice, prior to sale, to any buyer or commissioned sales person. The lien holder is then entitled to collect from the buyer, seller, or commissioned sales person if there is failure to make payment.

Lien enforcement is accomplished through any court of competent jurisdiction, and the animal may be sold at a sheriff's sale to satisfy the amount of judgment and costs of sale.

**Summary:** The process of perfecting an agister lien is modified. An agister must post notice of the lien on the premises where the animal or animals are being kept, send a copy of the posted lien notice to the owner, and conduct a UCC (Uniform Commercial Code) search if the lien is of

## SSB 5492

an amount greater than \$1,500. The lien remains in effect for 180 days or until the amount due is paid.

The owner of an animal or animals subject to an agister lien must notify the agister of any potential sale of the animals, inform any potential buyers of the existence of the lien, and notify any lien holder of record of the potential sale and of the existence of the agister lien. Failure by the owner to provide such notice is grounds for either the agister or the buyer to sue for actual damages and legal costs. The court may award up to treble the damages and may attach a civil penalty payable to the plaintiff of up to \$1,000.

The agister may choose between a number of remedies to satisfy the lien, ranging from a sheriff's sale to a private sale of the animals to which the lien is attached.

### Votes on Final Passage:

Senate	46	0
House	98	0

Effective: July 25, 1993

## SSB 5492

C 269 L 93

Authorizing the secretary of state to set fees by rule.

By Senate Committee on Law & Justice (originally sponsored by Senators Spanel, Snyder, Nelson and M. Rasmussen; by request of Secretary of State)

Senate Committee on Law & Justice  
House Committee on Judiciary  
House Committee on Revenue

**Background:** The existing fees collected by the Secretary of State for the filing of various corporate documents are established by statute.

A recent study by the Efficiency Commission found that the corporation division of the office of the Secretary of State could improve its administrative capabilities if the secretary were allowed to set these and other fees by rule. Fee-based services, such as fulfillment of information and copy requests from customers, were found to be inadequately priced to cover the cost of providing the services.

Customer service and office efficiency could also be improved by allowing the use of credit cards for the payment of fees. This would make it possible for a business to order, pay for, and receive delivery of copies from the corporation division in one day.

**Summary:** The Secretary of State is required to establish by rule a variety of fees with regard to for-profit and non-profit corporations. This rule-making authority applies to corporation filings concerning the following: corrections, amendments, or restatement of articles of incorporation; articles of merger or share exchange, revocation or dissolution; application for amended certificate of authority or

reservation, registration or assignment of reserved name; and changes of registered agent.

The Secretary of State must also set fees by administrative rule for furnishing copies of documents.

Annual license fees for inactive corporations are set at \$10 rather than \$50.

Fees for filing articles of incorporation for credit unions and savings and loan associations are increased to \$20.

The Secretary of State must establish fees for services related to charitable trusts and solicitations.

The Secretary of State must set fees for accepting services of process for nonresident drivers.

The Secretary of State is required to establish fees for miscellaneous services, such as providing certificates under seal or recording a trademark.

Fees adjusted by rule may not exceed the average biennial increase in the cost of providing service.

All fees pertaining to articles of incorporation, application for certificate of authority, application of a foreign corporation for a certificate of authority to conduct affairs in this state, and annual fees remain established by statute.

### Votes on Final Passage:

Senate	42	1	
House	98	0	(House amended)
Senate	47	1	(Senate concurred)

Effective: July 1, 1993

## SB 5494

C 146 L 93

Including certain juveniles who are the subject of proceedings under chapter 13.34 RCW in the definition of "at-risk juvenile sex offenders".

By Senators Talmadge and Deccio; by request of Department of Social and Health Services

Senate Committee on Health & Human Services  
House Committee on Human Services

**Background:** In 1990, the Legislature passed a comprehensive plan for dealing with sex offenders, known as the Community Protection Act of 1990. The act included provisions dealing with adult and juvenile criminal sentencing, civil commitment procedures, and sex offender treatment programs.

A special sex offender disposition alternative was created for first time juvenile sex offenders who had not committed a serious violent offense. Funding was also provided for at-risk juvenile sex offenders who were in the care and custody of the state. It has been suggested that the at-risk program should be made available to juvenile sex offenders who are the subject of a dependency action and still reside at home.

**Summary:** The "at-risk juvenile sex offender" definition includes juveniles who are the subject of a dependency proceeding but are not in the care and custody of the state.

**Votes on Final Passage:**

Senate 48 0

House 96 0

**Effective:** July 25, 1993

**E2SSB 5502**

**PARTIAL VETO**

C 518 L 93

Revising mining reclamation laws.

By Senate Committee on Ways & Means (originally sponsored by Senators Sutherland and Prentice)

Senate Committee on Natural Resources  
Senate Committee on Ways & Means

**Background:** There are about 1,750 surface mines in Washington. Of the 1,293 state surface mining reclamation permits issued by the Department of Natural Resources, 893 mines are privately owned and about 400 mines are owned by the Department of Transportation or by local governments. The remainder of the mines are exempt since they are smaller than three acres and are not required to have state surface mining reclamation permits.

Sand and gravel surface mines, the most numerous type of mine in the state, are used as round rock aggregate in concrete, as drain rock, or as crushed rock. Crushed rock is used to produce roadbase or asphalt aggregate. Both types of aggregate function mainly to reduce the amount of cement and tar used in concrete and asphalt. Revenues from Washington sand and gravel business are about \$150 million per year.

Since the surface mining law was passed in 1971, 753 mines have been reclaimed to the standards established in the statute and by rule. Most of this reclamation would not meet present standards because the reclaimed slopes have rectilinear appearances and revegetation efforts have been inadequate. The Department of Natural Resources has improved techniques and has developed methods of mine restoration and operation impact control.

Local jurisdictions regulate mines through the State Environmental Policy Act (SEPA) by conditioning their SEPA declarations with site specific requirements.

**Summary:** The purposes of the chapter are to: 1) require surface mine lands restoration; 2) provide for statewide consistency in the regulation of surface mines; 3) apportion regulatory authority between state and local governments; 4) ensure reclamation plans are consistent with local land uses; and 5) give local governments specific regulatory powers.

The Department of Natural Resources (DNR) is charged with the administration and enforcement of recla-

mation, and local government may regulate surface mining operations and mine siting pursuant to the provisions in this act. DNR has exclusive authority to regulate surface mining reclamation, but may delegate enforcement to local government through contracts.

This act is cumulative and nonexclusive and does not alter or preempt any state fisheries, water pollution or wildlife laws or the laws relating to noise, air quality, shoreline management, SEPA, growth management, drinking water or other relevant state laws.

After July 1, 1993, reclamation permits issued by DNR are required for all surface mines. Separate permits are required for noncontiguous sites. Operating permits granted between January 1, 1971, and June 30, 1993, will be considered reclamation permits if, within five years, they meet the protection, mitigation, and reclamation goals of this act. A reclamation permit is granted for the period required to deplete essentially all of the minerals identified in the permit. It is valid until the reclamation is complete unless it is cancelled by the department.

Before reclamation permits are granted, applicants must provide reclamation plans to DNR and to local government. DNR solicits comments from affected local governments before approving reclamation plans, but DNR has sole authority to approve plans. Reclamation plans must include a description of the proposed mining and reclamation scheme and a statement addressing proposed subsequent use of the land after reclamation that is consistent with local land use designation. Reclamation plans shall be updated at least once every ten years. The plans will include a schedule for progressive reclamation of each segment and require a hydrogeologic evaluation where mining is on a flood plain or in a river or stream channel. Requirements for reclamation are established and procedures are created for reclamation plan modification.

In a critical aquifer recharged area, special protection may be required. Reclamation setbacks, screening, conservation of top soil, interim reclamation planning, revegetation and post-mining erosion control, drainage control and provisions for slope stability and disposal of mine wastes will be part of the plan. An estimate of groundwater depth and a description of boundaries and the wetlands adjacent to the surface mining activity are required.

Reclamation plans may be modified jointly by DNR and the permit holder; modified plans are reviewed by the department under SEPA.

DNR may refuse to issue reclamation permits if it determines during the SEPA process that the impact of a proposed mine cannot be mitigated.

DNR shall not issue a reclamation permit until the applicant has deposited an acceptable performance security. The security is maintained until reclamation is completed according to the plan. The department may use such funds to effect reclamation in the event that the permit holder fails to comply with the reclamation plan.

Reclamation permits may be transferred as long as the subsequent permit holder complies with all of the rules and regulations established by the act.

An annual report to the department concerning mining and reclamation activities is required, and the department may order a permit area inspected at any time. The department may also issue emergency notice or orders to rectify deficiencies, to recognize deficiencies, or to cease mining.

A surface mining reclamation account is established in the state treasury for the deposit of annual fees, funds received by the department from federal and state agencies, and other mine-related funds and fines. DNR administers this account which may be used for administration, research, administrative appeals, and incentive and award programs.

Reclamation permit application fees are \$650. After June 30, 1993, permit holders must pay an annual renewal fee of \$650. Annual fees paid by a county for small mines used only for public works projects are capped at \$1,000 a year and are required only on the sites from which the county intends to mine in the next calendar year. All fees are deposited into the surface mining account.

After July 1, 1995, DNR may modify annual fees by rule if the total amount of fees is reasonably related to the administration costs. After July 1, 1995, DNR may lower annual fees for small surface mines used primarily for public service. In any case, the annual fee is capped at \$5,000.

A person appealing any DNR decision must still pay the annual fee.

If DNR delegates enforcement responsibilities to local governments, DNR may allocate money from these fees to those local governments.

Counties are granted the authority to regulate operations of a surface mine. If a county, city or town has classified mineral lands and mineral resource lands of long-term commercial significance, a county, city or town must designate in its comprehensive plan enough of these mineral resource lands to meet a 20-year, county-wide need. "Long-term commercial significance" is defined. After this designation, surface mining operations will be an allowed use in local development regulations, subject to permitting processes. Counties, cities, and towns will designate their mineral deposits close to where the minerals are likely to be used. Through their comprehensive plans and development regulations, counties, cities and towns will discourage the siting of incompatible uses next to mineral resource industries, deposits, and holdings. Proposed surface mines must be approved under local zoning and land use regulation.

Counties, cities, and towns may regulate surface mining operations only by ordinance and only within specified terms. Local ordinances regarding mine operations can only address traffic, light and noise emissions, visual screening, and other significant or substantial mining impacts not subject to regulation under other state or federal laws including water allocation, use, or control laws and

fisheries and wildlife laws. Local ordinances must also be performance-based, objective, related to limiting surface mining impacts, and reasonably capable of being achieved given existing and available technology. Local governments must limit application and monitoring fees to amounts necessary to carry out the regulation of surface mines.

Local governments implement their ordinances through an operating plan review and approval process, which must include submission of sufficient information to allow the decision maker to review the plan for compliance with local standards, provide for administrative approval subject to appeal or for initial consideration via public hearing, and produce written findings of fact.

Local ordinances may be applied to existing mines only if the local ordinance: (1) enforces the section regarding traffic regulation only to haul routes; (2) exempts existing mines from any operating plan review and approval process; (3) provides reasonable time for compliance; and (4) includes a procedure to obtain a variance to allow for continued nonconforming operations if strict adherence to a local ordinance would be economically or operationally impractical.

Counties, cities, and towns are not precluded from exercising authority delegated to them by state agencies, nor are counties, cities, and towns precluded from complying with state law when required as a regulated entity.

A temporary surface mining model ordinance advisory committee is established and directed to develop model ordinances for counties, cities, and towns.

DNR can regulate water control only as necessary to effect reclamation and to protect ground and surface waters after reclamation is complete. DNR's regulations must be consistent with existing water control laws. DNR solicits comments from other agencies with expertise in water control laws.

For surface mining projects, control of surface mine water is pursuant to state water pollution laws. Water availability, hydraulic continuity, allocation, and use is controlled under the state water code, state public ground water law, and the Water Resource Act of 1971. Regulation of drinking water and protection of fisheries and wildlife are provided for under several statutes. Counties, cities, or towns may ask the Department of Ecology to consult with affected individuals and incorporate additional site-specific requirements into individual surface mine national pollutant discharge elimination systems permits.

Counties, cities, and towns may pass ordinances to regulate the impacts of water if these impacts are significant or substantial and are not subject to regulation under other state or federal laws. Counties, cities, and towns may also regulate the impacts of water if regulatory or enforcement authority has been expressly delegated by a state agency.

DNR may declare a mine to be abandoned if there has been no mining activity for 180 days. There are excep-

tions, such as in the case of labor disputes or reduced demand for minerals.

Appeals from the actions of the department under this act follow the provisions of the Administrative Procedure Act (APA) and are considered adjudicative proceedings. Only a person aggrieved under the meaning of the APA has standing to appeal.

A reclamation awards program is established, and the department designates a percent of the state annual fees to fund these awards. A reclamation service to provide no-cost consulting is established within the Division of Geology and Earth Resources to assist miners, permit holders, local government and the public on technical matters relating to mine regulation, operation and reclamation. The department is not liable for any negligent advice.

#### Votes on Final Passage:

Senate	40	5	
House	90	4	(House amended)
Senate	43	1	(Senate concurred)

Effective: July 1, 1993

**Partial Veto Summary:** All language restricting the ability of local governments to regulate surface mining operations is removed. The ability of the state to direct the designation of mineral resource lands, which the Growth Management Act allowed counties pre-authority to designate, is eliminated. The ability of local jurisdictions to regulate surface mining and to provide local protection for air and water resources is continued by eliminating the section of the bill which limited air and water protection authority. Local jurisdictions will be able to deal with water impacts of surface mines. Restrictions on local jurisdictions' regulatory ability to those areas not already regulated by the state or federal government are removed. The effect of the veto will be that the authority of local governments to regulate the ongoing operations of surface mining activities will be settled by a pending appeal to the state Supreme Court.

#### VETO MESSAGE ON E2SSB 5502

May 18, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 16 and 19, Engrossed Second Substitute Senate Bill No. 5502, entitled:

"AN ACT Relating to state and local government regulation of surface mining;"

*This legislation will greatly enhance the state's ability to regulate surface mining reclamation and to protect public resources. However, certain sections of the bill clearly restrict the ability of local governments to regulate surface mining itself.*

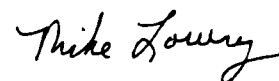
*Section 16 imposes state direction on the designation of mineral resource lands, which the Growth Management Act allows counties free authority to designate. Section 16 also limits the ability of local jurisdictions to regulate surface mining and to provide local protection of air and water resources. Section 19 precludes local jurisdictions from dealing with water impacts of surface mines. Both of these sections limit local jurisdictions regulatory ability to*

*those areas not already regulated by the state or federal governments. This unnecessarily restricts the ability of local government to adequately regulate surface mining.*

*For these reasons, I am vetoing sections 16 and 19.*

*With the exception of sections 16 and 19, Engrossed Second Substitute Senate Bill No. 5502 is approved.*

Respectfully Submitted,



Mike Lowry  
Governor

SSB 5503

C 271 L 93

Providing injured workers with an increased incentive to return to work.

By Senate Committee on Labor & Commerce (originally sponsored by Senators Vognild, Newhouse, Sutherland, Moore, Amondson, McAuliffe, Fraser, Pelz, Cantu, Snyder, Deccio and Hochstatter)

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

**Background:** Under the industrial insurance law, injured workers receive a monetary benefit based on a percentage of their earnings at the time of injury if they are temporarily unable to work. The percentage varies from 60 percent to 75 percent of their earnings at the time of injury depending on their conjugal status and number of dependents.

Workers who are still recovering may return to work with permission of their attending physician. This work is often part-time or at a job less physically demanding. As a result, it is often at a lower wage. The law allows for a reduced time-loss payment which recognizes lost earning power as a result of the injury.

Currently, lost earning power is calculated as a percentage of the time-loss payment to which a worker is entitled during total disability. The percentage is based on the relationship of the wages after the injury to wages before the injury.

Often the combined total of earnings from the partial return to work and the lost earning power benefit is only slightly more than the time-loss benefit from total disability. It is felt that perhaps this provides little incentive to accept employment following an injury until recovery is as complete as it is going to get.

**Summary:** The loss of earning power benefit is changed to 80 percent of the actual difference between the worker's present wages and earning power at the time of injury. This figure is subject to three limitations: (1) the combined total of the worker's new reduced wages and the loss of earning power benefit may not exceed 150 percent of the average monthly wage in the state as computed by the Department



## ESB 5508

of Employment Security; (2) the loss of earning power payments may not exceed 100 percent of the worker's time-loss benefit for total disability; and (3) an injured worker who is subject to the new formula may not receive less than the worker would have received under the old formula.

In almost all applications, this formula provides a higher loss of earning power benefit and to that extent provides a greater incentive to accept suitable part-time or lower paying work during the recovery period.

Application is prospective only.

### Votes on Final Passage:

Senate	48	0	
House	98	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: May 7, 1993

## ESB 5508

C 358 L 93

Modifying child support orders in dependency cases.

By Senators Hargrove, Niemi, A. Smith, Nelson and Spanel

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

**Background:** When children are placed in foster care, their parents are ordered to pay support for their care. Most commonly, this support determination is made by the Office of Support Enforcement in a manner consistent with the child support tables in Title 26.

Often children are removed from their familial settings because of their parents' substance abuse or physical/emotional abuse directed at the child. In these cases to facilitate a reestablishment of the family, the offending parent is ordered into appropriate treatment programs. The expense of this participation when combined with the parent's child support obligation is believed to be causing many parents not to complete their treatment, thus frustrating the efforts of the courts in reunification and increasing public support expenditures.

**Summary:** In placing a child in dependency, a determination of the parent(s) child support obligation(s) is required in such a manner so as not to interfere with reunification efforts. The child support schedule is modified to limit the imputation of income allowing a parent to be underemployed when undergoing treatment and to consider the present and future costs of such treatment.

### Votes on Final Passage:

Senate	45	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 25, 1993

## 2SSB 5511

C 434 L 93

Enabling voter registration by mail.

By Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Winsley, Quigley, Snyder and Pelz; by request of Secretary of State)

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

**Background:** Residents of the state of the age of 18 or older, not otherwise disqualified, may register to vote in person before a qualified registrar or at a Department of Licensing facility when obtaining or renewing a driver's license or identification card. County auditors are designated as the chief registrar of voters and custodian of voter records. The county auditors may appoint city and town clerks and others as deputy registrars.

When registering to vote, a person is required to provide certain documentation of his or her identity and to sign a sworn statement attesting to the truthfulness of the information provided.

Voter registration must be done in person before a registrar or at a driver's licensing facility.

**Summary:** The Secretary of State, in consultation with the county auditors, is authorized to prescribe a form to be used by citizens to register to vote by mail. The form includes all of the information required to register in person and a portion of the form to be signed by the registrant serves as an initiative signature verification card. The form contains a warning that providing false information is a class C felony and includes a declaration signed by the registrant as to the truthfulness of the information provided.

Upon receipt of a properly completed form, the county auditor enters the registrant on the voter rolls and sends a registration card to the registrant. Provisions are made for removing the voter from the rolls when a card is returned by the Post Office.

The Secretary of State will furnish, to the counties, registration by mail forms to be disseminated by the county auditors. Counties are required to reimburse the state for the costs of the voter registration forms during 1994 and 1995. These costs are then prorated among the political subdivisions participating in elections during 1994 and 1995.

### Votes on Final Passage:

Senate	32	16	
House	92	6	(House amended)
Senate	31	16	(Senate concurred)

Effective: July 25, 1993

January 1, 1994 (Sections 1-9, 12)

**ESSB 5515**

C 122 L 93

Changing provisions relating to industrial insurance claims.

By Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice and Sutherland)

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

**Background:** The rules regarding attorney's fees in cases involving appeals from the Board of Industrial Insurance Appeals to the courts have some inequitable features. A claimant could prevail at the board and also prevail in superior court and not be entitled to attorney's fees for the superior court appeal. However, if the worker loses at the board level and wins in superior court, the worker would be entitled to attorney's fees. These rules only apply to the superior court level. In the case of appeals to a higher level, each party apparently must bear his or her own costs.

A claimant is entitled to attorney's fees in court appeals only if time loss is the issue. A claimant might prevail on the issue of being entitled to medical benefits, and would not be entitled to attorney's fees.

Claimants and claimants' attorneys have reported difficulty in obtaining a full copy of the employee's claim file from self-insurers, and having to pay very high copying costs for the portions of the file that are provided.

There is no time limit within which self-insurers must request allowance or denial of a claim so long as they pay provisional benefits during the pendency of their decision.

**Summary:** The rules regarding attorney's fees in appeals from a decision of the Board of Industrial Insurance Appeals either to superior court or the Court of Appeals are made consistent with the principle that if the worker prevails, the worker is entitled to attorney's fees. An employer with 25 or fewer employees who successfully defends an appeal to superior court when the department does not appear is entitled to attorney's fees. The worker is also entitled to other litigation costs if he or she prevails. If a worker loses at any of these levels, he or she is not entitled to attorney's fees or costs.

Self-insurers are required to provide a copy of the entire contents of a claim file upon request of an employee or employee's representative, without charge. If the request is for a portion of the file, then they only need provide that portion. If a self-insurer determines that disclosure of a portion of the file would be harmful to the claimant, they may withhold that material, if they obtain the department's approval. A self-insurer must notify the department of any protest or appeal of a claims administration decision within five working days of the time they receive the protest or appeal.

A self-insurer must request allowance or denial of a claim within 60 days from the date the claim is filed, or the department is required to promptly adjudicate the claim.

Failure to comply with these requirements can subject a self-insurer to a penalty which is paid to the employee.

**Votes on Final Passage:**

Senate	29	19
House	98	0

**Effective:** July 25, 1993

**SSB 5520**

C 187 L 93

Modifying controlled substances definitions, standards, and schedule.

By Senate Committee on Health & Human Services (originally sponsored by Senators Wojahn, Moyer, Hargrove and Prentice; by request of Department of Health)

Senate Committee on Health & Human Services  
House Committee on Health Care

**Background:** Illicit drug activity is generally governed by the state's version of the Uniform Controlled Substances Act (UCSA). This act is modeled in part after federal law on the same subject, and is one of the uniform laws produced by the National Conference of Commissioners on Uniform State Laws. The commission periodically reviews uniform laws and makes recommendations to the states for updates and revisions. The commission has recommended various changes in UCSA.

Washington's UCSA is divided into articles dealing with definitions, standards and schedules, regulation of manufacturers, offense and penalties, and enforcement. The standards and schedules portion of the act actually lists the various substances which are controlled. There are five schedules of drugs, each with a set of standards to be used in classifying candidates for inclusion. Schedule I drugs are those generally considered to be the most dangerous and likely to be abused and of the least accepted legitimate value. Among the schedule I drugs are opiates, hallucinogens and marijuana. Schedule V drugs, on the other hand, are those considered to be of relatively low potential for abuse and relatively high accepted legitimate medical use. Among the schedule V drugs are narcotics containing dilutions of codeine or opium. Generally, the penalties for violating UCSA descend in order with respect to which schedule is involved in the violations. Other factors, such as the quantity involved, type of transaction, location of transaction, and prior history also affect the severity of punishment. Many of these factors are governed by the Sentencing Reform Act.

Generally, controlled substances cannot be possessed, manufactured, distributed, or sold except as provided in UCSA. The act directs the State Board of Pharmacy to regulate the manufacture and distribution of controlled substances. Only persons who have registered under the act may legally make, distribute or dispense controlled

## 2E2SSB 5521

substances, and then only to the extent the act specifically allows.

**Summary:** Portions of the recommendations of the Uniform Law Commission for amendment to UCSA are adopted.

Several definitional updates are made, in part to conform to terminology used in federal legislation. All of the schedules of controlled substances are amended to include the latest substances listed under federal law, including anabolic steroids which have been added to schedule III.

Research is added to medical, scientific or industrial uses as an acceptable form of dissemination of controlled substances to be considered when a manufacturer or distributor applies for registration. Convictions under drug laws of foreign nations are to be considered by the board when a person applies for registration as a manufacturer or distributor.

A new provision is added allowing for the seizure of controlled substances owned or possessed by a registrant whose registration has expired or who has stopped operations. Seizure under this provision is to be for the benefit of the registrant, or the registrant's successor in interest. Notice to the registrant is required, and the seized property must be held for at least 180 days before it may be disposed of. Costs of seizure, holding and disposition may be deducted, but otherwise proceeds from disposition will go to the registrant.

Pharmacists are granted immunity from civil and criminal liability under UCSA when they fill a prescription reasonably believing that it is legitimate.

Possessing a false or fraudulent prescription with an intent to obtain a controlled substance is made an offense. An individual practitioner may not dispense a substance included in schedules II, III or IV for that individual practitioner's use.

A program is established to track and prevent the diversion of drugs from legal to illegal channels of distribution or use.

The manufacture, delivery or possession of counterfeit controlled substances or the means to mark a counterfeit substance as a controlled substance is made an offense.

### Votes on Final Passage:

Senate 46 0

House 93 0

Effective: July 25, 1993

## 2E2SSB 5521

C 21 L 93 E1

Concerning criminal justice programs.

By Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Prince, Vognild, Sheldon, Quigley, Jesernig, Skratek, McAuliffe and Snyder)

Senate Committee on Government Operations  
Senate Committee on Ways & Means

**Background:** In 1990, the Legislature passed the Local Criminal Justice Fiscal Assistance Act. The act was passed in response to concerns expressed by counties and cities as to the adequacy of their resources to provide for a variety of efficient criminal justice activities. A one-time general fund distribution was given to counties based on each county's size, crime rate and criminal case filings. A one-time general fund distribution was also given to cities: one-half based on crime rates; one-half based on population. For the period July 1, 1990 to January 1, 1994, the act distributes 5.9686 percent of the state Motor Vehicle Excise Tax (MVET) to counties based on population, crime rate, and number of criminal cases filed in the county superior court. For the 1991-1993 biennium, the county distribution is estimated at \$58.3 million. For the period July 1, 1990 to January 1, 1994, the act provides for two distributions of the state MVET to cities. The first distribution is 1.1937 percent of the MVET based on crime rates in excess of 125 percent of the statewide average. The second city distribution is also 1.1937 percent of the state MVET based on population. For the 1991-1993 biennium, the city distributions are estimated at \$23.3 million. All three of these distributions must be used exclusively for criminal justice programs.

Seven counties are authorized to impose a temporary one-tenth of 1 percent sales tax. King, Snohomish, Spokane, Thurston and Yakima counties have imposed this tax. The revenues from this tax are distributed to the county and the cities within the county essentially ratably based on population. This tax must be approved by the voters and its authorization expires on January 1, 1994. This tax must be used exclusively for criminal justice programs.

A county legislative authority may establish a local law and justice council, whose membership is determined, in part, by statute. The local law and justice council must develop a local law and justice plan for the county. The general intent of the plan shall include seeking means to maximize local resources, reduce duplication of services, and share resources between local and state government. The plan must also include a section on jail management.

**Summary:** Sixty million dollars will be distributed for local criminal justice purposes from motor vehicle excise tax revenue beginning on January 1, 1994. Of this amount, \$42.9 million will be distributed to counties and \$17.1 million will be distributed to cities.

The distribution formulas for counties and high crime rate cities are based on the same formula as for the current MVET distributions.

The city distribution based on population is eliminated and a new city distribution is provided. The new city distribution is divided into the following allocations:

- (1) 20 percent based on violent crime rates;
- (2) 16 percent based on population;

The remaining city allocations are based on funding requests to the Department of Community Development (DCD). Criteria for distribution will be established by an advisory committee consisting of a representative from DCD, representatives from the Association of Washington Cities, and representatives from the Association of Washington Sheriffs and Police Chiefs. These allocations will be distributed for the following programs:

- (3) 14 percent to cities with innovative law enforcement strategies;
- (4) 20 percent to at risk children programs and for child abuse victim response programs;
- (5) 20 percent to reduce the level of domestic violence and for counseling for domestic violence victims; and
- (6) 10 percent to cities who contract with other governmental entities for law enforcement services.

Any undistributed funds are used to reimburse local law enforcement agencies with fewer than 10 employees for manpower replacement costs when their employees attend training at the Criminal Justice Training Commission.

Total MVET distributions are capped at \$60 million during the 1993-95 biennium for local criminal justice purposes. For the 1995-97 biennium, the distributions are allowed to grow at the same rate as the MVET revenue. After fiscal year 1998, the distributions will grow with the implicit price deflator.

The definition of criminal justice purposes is expanded to include domestic violence programs.

Authorization for the one-tenth of 1 percent sales tax for criminal justice programs is made permanent and is extended to all counties. The sales tax is non-voter approved, but is subject to referendum.

A local law and justice council is made mandatory in every county. The local law and justice plan for the county shall include maximization of personnel and facilities in order to accomplish local efficiencies.

**Appropriation: \$60,000,000**

**Votes on Final Passage:**

Senate 43 5

**First Special Session**

Senate 44 2

House 98 0 (House amended)

Senate 42 1 (Senate concurred)

**Effective:** May 28, 1993 (Section 4)

July 1, 1993

January 1, 1994 (Sections 1-3, 5, 7)

**SB 5523**

C 330 L 93

Expanding authority for appointment of district court judges pro tem.

By Senators Barr, Snyder and Prince

Senate Committee on Law & Justice

House Committee on Judiciary

**Background:** A person is eligible to serve as a district court judge if the person is (1) an attorney; or (2) previously served as a judge of a lower court; or (3) in a court district with a population of less than 5,000, by passing a qualifying examination (i.e., lay judge).

Prior to 1991, lay district court judges could serve in districts with populations of less than 10,000 persons. In 1991, the population number was reduced by the Legislature to 5,000 persons.

Ferry County has a population which exceeds 5,000 persons, but presently does not have any attorneys who are available to serve as pro tem district court judges. This situation occurs when the attorneys in a court district are serving in other legal jobs (i.e., judge, prosecutor, public defender) or are unwilling to serve because of outside business interests or retirement.

**Summary:** A nonattorney who has passed the qualifying exam for a district court judge may serve as a pro tem judge in a court district with a population of 10,000 or less if the district does not have any attorneys who are available to serve as a pro tempore judge.

**Votes on Final Passage:**

Senate 46 2

House 98 0 (House amended)

Senate 45 2 (Senate concurred)

**Effective:** July 25, 1993

**SSB 5528**

C 435 L 93

Altering court fees.

By Senate Committee on Law & Justice (originally sponsored by Senator Quigley)

Senate Committee on Law & Justice

House Committee on Judiciary

**Background:** Superior court clerks are authorized to collect fees for court services. The amounts of certain fees have not been adjusted for inflation and, according to county officials, no longer cover the costs of providing the relevant services. It therefore is recommended that such court fees be increased.

**Summary:** The following court fees are increased to the following amounts:

Filing non-court document to \$20;

Issuance of garnishment to \$20 per garnishee;

Issuance of writ of attachment to \$20;

Filing will only to \$20;

Preparation of passport application to federally authorized fee (currently \$10);

Special clerk services to \$20 per hour;

Duplicating recordings of court proceedings, \$10 per audio tape; \$15 per video tape.

## ESB 5534

A county may impose user fees, a surcharge on fees for filing superior court domestic relations cases of up to \$10, or both, to create and support a courthouse facilitator program to provide basic services to pro se litigants in family law cases.

### Votes on Final Passage:

Senate	35	14	
House	87	9	(House amended)
Senate	33	14	(Senate concurred)

Effective: July 25, 1993

## ESB 5534

C 359 L 93

Authorizing terminal safety audits of private carriers.

By Senators Vognild and Prince

Senate Committee on Transportation  
House Committee on Transportation

**Background:** The Utilities and Transportation Commission (UTC) conducts intrastate common/contract carrier terminal safety audits at the company's place of business. The carrier's books are inspected for compliance with the hours of service requirements, driver qualifications, rate regulation, etc. Vehicle and equipment inspections are also conducted in the terminal yard.

Private carriers are not subject to the UTC's safety authority. The Washington State Patrol conducts private carrier roadside inspections, but does not perform private carrier terminal surveys.

**Summary:** The UTC is authorized to conduct private carrier terminal safety audits for those carriers operating vehicles (a) with a gross weight of 26,001 pounds or more, or (b) transporting hazardous materials that require placarding. Only those private carriers with terminals in Washington State are subject to the commission's jurisdiction. The Washington State Patrol will continue to conduct roadside inspections for all private carriers.

Private carriers with in-state terminals using vehicles weighing over 26,001 pounds are required to register with the commission. The registration application fee is a maximum of \$50; the annual regulatory fee may not exceed \$10.

Exempt vehicles include: (1) vehicles owned by the federal, state or local government, and (2) farm vehicles transporting a farmer's own products to market or machinery and supplies to or from the farm, as long as the farm vehicle is not transporting a hazardous material that requires placarding or is operated within 150 air miles of the farm.

### Votes on Final Passage:

Senate	49	0	
House	98	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 25, 1993

## SSB 5535

C 123 L 93

Taxing large trucks.

By Senate Committee on Transportation (originally sponsored by Senators Vognild, Prince and M. Rasmussen)

Senate Committee on Transportation  
House Committee on Transportation

**Background:** Owners of any commercial trailer or semitrailer are required annually to pay a registration fee of \$36 and motor vehicle excise tax at a rate of 2.2 percent of the vehicle value. Unlike fees for trucks, fees for commercial trailers and semitrailers engaged in interstate commerce are not prorated.

**Summary:** The motor vehicle excise tax (MVET) rate is increased from 2.2 percent to 2.78 percent for any truck-type power unit used in combination with a trailer to transport loads in excess of 40,000 pounds combined gross weight. This increased fee does not apply to power units used exclusively for hauling logs.

For trailers hauled by the truck-type power units subject to this higher rate, the following provisions apply: Payment of MVET is no longer required; annual renewal of the registration fee is no longer required; upon payment of a \$36 one-time fee, permanent license plates are issued and need not be replaced until the trailer vehicle is sold, permanently removed from the state, or otherwise disposed of by the registered owner; and property tax may not be assessed.

The combined licensing fee for all vehicles with a gross vehicle weight of 42,000 pounds or more is increased by \$90.

The tax changes are designed to be revenue neutral in regard to MVET and combined licensing fee revenue collected by the state.

### Votes on Final Passage:

Senate	42	3	
House	97	1	

Effective: July 25, 1993

## SB 5541

C 214 L 93

Revising the statute of limitations for certain sex offenses.

By Senators Fraser, A. Smith, Sellar, McAuliffe, Quigley and Winsley

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** The statute of limitations for Rape 1 and Rape 2, for a victim over 14 years, is three years. If the victim is a child under the age of 14 years, the statute of

limitations is seven years or three years after the victim's 18th birthday.

The statute of limitations for incest is three years, or if the victim is under 14 years of age, seven years or three years after the victim's 18th birthday.

In rape investigations, physical evidence is often recovered. This may include bodily fluids, bodily tissues, trace evidence like fingerprints, etc. Scientific testing can compare this evidence to a suspect, if one is known.

Additionally, the victim may be able to identify the suspect, if he or she is found by police.

Cases arise where evidence exists but there is not a known suspect to compare the evidence with or to have the victim identify. In these cases a suspect is sometimes identified years later, after the statute of limitations has expired, and the evidence cannot be used to prosecute.

**Summary:** The statute of limitations for Rape 1 and Rape 2 is extended to 10 years, if the victim reports the rape to law enforcement within one year of its commission.

The statute of limitations for Rape 1 and Rape 2, of a child under 14 years, is 10 years or three years after the child's 18th birthday, if the victim reports within one year.

The statute of limitations for incest victims under the age of 14 years is extended to all incest victims regardless of age.

**Votes on Final Passage:**

Senate 48 0  
House 96 0

**Effective:** July 25, 1993

**ESB 5545**  
C 475 L 93

Modifying qualifications for registered architects.

By Senators Williams, Bluechel and Moore

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

**Background:** Architects must be registered to practice in this state. An architect must pass an examination to become registered. To qualify to take the architect's examination, an applicant must be 18 years old, have an accredited architectural degree plus three years of experience approved by the Board of Registration for Architects or have eight years of practical architectural work experience approved by the Board of Registration. Persons who had designed buildings as a principal activity for at least eight years or had an equivalent combination of education and experience but were not registered as architects prior to July 1985 were also qualified to take the architect's examination if such individuals applied before July 25, 1989.

**Summary:** Revisions are made to the list of qualifications for applicants seeking to take the architect's examination.

To qualify to take the architect's examination, an applicant must be 18 years old and possess any of the following

qualifications: (1) an accredited architectural degree and three years practical architectural work experience approved by the board which may include designing buildings as a principal activity, at least two of the years work experience supervised by an architect with detailed professional knowledge of the work of the applicant; (2) eight years of practical architectural work experience approved by the Board of Registration; or (3) eight years of designing buildings as a principal activity or an equivalent combination of education and experience and not registered as an architect before July 28, 1992, and applies for the exam before July 28, 1996. The foregoing provision terminates July 29, 2001.

**Votes on Final Passage:**

Senate 49 0  
House 98 0 (House amended)  
Senate 45 0 (Senate concurred)

**Effective:** July 25, 1993  
July 29, 2001 (Section 2)

**SB 5546**  
C 58 L 93

Regulating unemployment compensation.

By Senators Prentice and Moore; by request of Employment Security Department

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

**Background:** The Washington Business Corporation Act was passed in 1989. It contains a definition of corporate officers. The RCW dealing with unemployment compensation for corporate officers was enacted before the adoption of the Corporation Act and uses its own definition of corporate officers.

The state Employment Security Department requires aliens to have been legally in the United States at the time the work which gives rise to unemployment benefits was performed. However, in the RCW dealing with unemployment compensation for aliens, the verb tenses used make it unclear whether a non-citizen must have been legally in this country at the time such work was done. Federal law requires that this area of state law be in conformity with federal law.

The RCW section which deals with extended unemployment benefits includes eligibility standards. A recent amendment to the Federal-State Unemployment Act of 1970 suspends these standards for weeks of unemployment beginning after March 6, 1993 and before January 1, 1995.

**Summary:** The RCW section dealing with unemployment compensation for corporate officers uses the definition of corporate officers supplied in the Washington Business Corporation Act.

In order to be eligible for unemployment benefits, an alien must have been legally in the United States at the



## SSB 5556

time the work which gives rise to unemployment benefits was performed.

Standards governing eligibility for extended unemployment benefits are suspended for the weeks of unemployment beginning after March 6, 1993 and before January 1, 1995.

There are two severability clauses in case of conflict with federal law or invalidity.

### Votes on Final Passage:

Senate 48 0  
House 98 0

Effective: March 6, 1993

## SSB 5556

C 147 L 93

Changing provisions relating to state schools for the blind, deaf, and sensory impaired.

By Senate Committee on Education (originally sponsored by Senators Bauer, Snyder, Deccio and Sutherland; by request of Washington State School for the Blind and Washington State School for the Deaf)

Senate Committee on Education  
House Committee on Education

**Background:** The State School for the Blind and the State School for the Deaf are located in Vancouver, Washington. The School for the Blind serves 65-80 students on-campus and provides vision services to an additional 60 students. The School for the Deaf provides services to 160-170 students on-campus.

**Summary:** The mandatory requirement that the Department of Social and Health Services provide services if the state schools for the blind, deaf, and sensory impaired request services is deleted.

The mandatory requirement that the superintendents of state schools for the blind, deaf, and sensory impaired adopt rules, consistent with collective bargaining agreements, regarding the transferability of employees between the schools is made permissive. Working conditions at the schools for the blind, deaf, and sensory impaired are required to be consistent with all state merit rules and regulations as well as collective bargaining agreements.

The duties of the superintendent of each state school are expanded to include providing instructional leadership.

Services may be extended to eligible children ages birth through three years but the state is not obligated to fund these extended services.

Weekend transportation to and from the schools is provided at no cost to the students or their families as allowed within the budgets of each school.

The eligibility for ex-officio membership on the boards is expanded to include a representative of any employee in a bargaining unit for classified employees. The minimum

number of meetings per year required of each board of trustees is changed from six to four.

The requirement for local advisory committees for each school is repealed.

### Votes on Final Passage:

Senate 48 0  
House 98 0 (House amended)  
Senate 38 0 (Senate concurred)

Effective: July 25, 1993

## SSB 5567

C 331 L 93

Allowing benefits for emergency medical service district volunteers.

By Senate Committee on Government Operations (originally sponsored by Senators Barr, Owen and Erwin)

Senate Committee on Government Operations  
House Committee on Local Government

**Background:** There are emergency medical service districts (EMSD) in the state that depend on volunteer assistance. These volunteers are not covered under state workers' compensation provisions, nor are they covered under any relief or pension plans. Volunteer fire fighters are covered under the Volunteer Fire Fighters' Pension and Relief Act. Many EMSD volunteers are also volunteer fire fighters, but an estimated 100 are not.

**Summary:** Volunteer EMSD workers are covered under the existing volunteer fire fighters' relief and pension provisions, to be administered by a board of trustees in each county with an EMSD. The board of trustees is composed of three county commissioners or their designees, the county auditor, a councilmember from each city in the district, the head of the EMSD, and one elected EMSD volunteer.

The State Board of Volunteer Fire Fighters is responsible for setting the contribution rates for the pension fund and for the relief fund. Contributions for pensions are paid by the districts and the emergency workers. Contributions for relief are paid by the districts.

### Votes on Final Passage:

Senate 49 0  
House 95 0 (House amended)  
Senate 36 0 (Senate concurred)

Effective: July 25, 1993

**SB 5572**

C 59 L 93

Assessing environmental costs of transportation projects.

By Senators Prentice, Vognild, Prince, Hargrove, Barr, McAuliffe, Haugen, Snyder, Pelz, Loveland, Sheldon, Moore, Erwin, Fraser, M. Rasmussen and Wojahn

Senate Committee on Transportation  
House Committee on Transportation

**Background:** The Department of Transportation does not generally track environmental costs related to construction projects. Examples of such costs include wetland mitigation, habitat protection, removal of fish passage barriers, design, construction, and maintenance of stormwater facilities, disposal of hazardous wastes, etc.

Without knowing what these costs are, it is difficult to provide accurate project cost estimates. Category C project cost estimates increased 20 percent between May 1990 and June 1991, in large part because of unforeseen environmental impacts.

One of the most significant sources of construction cost increases is related to the delays associated with permitting. Although these delays are not precisely tracked today, the Department of Transportation estimates that it takes twice as long today to obtain permits as it did two years ago. The associated inflation cost of these delays is approximately \$13 million per year.

Without knowing how much is spent for the environmental components of construction projects, it is difficult to assess the costs and benefits of providing transportation facilities and services.

**Summary:** The Department of Transportation is authorized to undertake a pilot program to assess the costs of environmental elements of a representative sampling of transportation projects in at least one transportation district. The department will also track the cost impacts resulting from delays associated with permitting requirements.

The department is directed to expand its current scoping process used for the representative sampling of projects, to include detailed environmental analysis and preliminary design. Following these efforts, the department must then present project-specific recommendations and cost estimates to the Transportation Commission before approval is granted by the Transportation Commission for actual construction.

Based upon the findings of the pilot program, the Transportation Commission is directed to recommend policies to the Legislative Transportation Committee regarding: (1) the current practice of appropriating design and construction dollars simultaneously; (2) identification of reasonable thresholds for environmental costs; (3) budget and accounting modifications that may be warranted in order to accurately capture environmental costs

associated with transportation projects; and (4) modifications to the priority array statutes.

**Votes on Final Passage:**

Senate 45 0

House 98 0

**Effective:** July 25, 1993**ESSB 5574**

C 476 L 93

Regulating credit information use.

By Senate Committee on Labor & Commerce (originally sponsored by Senators Williams, Moore, Pelz and Franklin)

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

**Background:** The Fair Credit Reporting Act of 1970 (FCRA) is the principle federal law governing the practices of credit reporting agencies. In addition, approximately 20 states have enacted laws that address various aspects of the credit reporting industry. Many of these other state provisions track the federal law. In Washington, no laws directly govern the activity of credit reporting agencies. The only related provisions in Washington govern credit service organizations, which assist consumers to obtain credit or repair a consumer's credit record.

Recently, both federal and state proposals have been considered to expand current regulations relating to credit reporting. These proposals address areas that have been the subject of complaints by consumers.

**Summary:** The Washington Fair Credit Reporting Act is established.

Consumer reporting agencies are required to have reasonable procedures to maintain proper information within credit reports, ensure maximum possible accuracy, and provide reports under appropriate circumstances.

A consumer reporting agency may only provide a consumer's credit report in certain enumerated circumstances. Examples of these circumstances include when the agency believes the report will be used in a credit transaction, employment decision, or other legitimate business situation.

A consumer may elect to be excluded from credit or direct solicitation transactions that are not initiated by the consumer. Consumer reporting agencies that provide credit reports in these circumstances or that operate nationwide must maintain a consumer notification system. The system must annually publish the agency's address that consumers may use to withdraw their names from such transactions. For credit transactions not initiated by a consumer, the consumer reporting agency may only provide a credit report if the consumer authorized the report or the consumer has not opted out under the notice system.

A consumer is authorized to request all information within his or her credit report file with special provisions for medical information. Along with disclosing the information, the consumer reporting agency must provide a written summary of the consumer's rights and remedies under the act.

When a consumer disputes information within his or her file, the consumer reporting agency must reinvestigate the information within 30 days. An agency may terminate a reinvestigation if it determines the reinvestigation is frivolous or irrelevant. If any information is found to be inaccurate or cannot be verified after the reinvestigation is completed, the information must be deleted from the credit report. In the event of a continuing dispute after the reinvestigation, the consumer may file a brief statement concerning the dispute. Various notice provisions relating to the reinvestigation process and the consumer's rights are established. If the consumer reporting agency operates on a nationwide basis, the agency must provide a toll-free number to persons disputing information in their files.

A consumer reporting agency is required to provide a free copy of a credit report to the consumer if the consumer requests the report within 60 days after receiving notice of adverse action. Otherwise, the agency may charge a fee not to exceed \$8. Additional provisions governing the consumer charges are established.

If a credit report is used for employment purposes, the employer must give notice to the prospective or current employee that a credit report may be considered.

A person taking adverse action against a consumer based upon a credit report must provide notice of the action and the name, address, and telephone number of the agency providing the report. Adverse actions are those acts relating to insurance, credit, employment, or residential property rental that are adverse to the consumer's interests. Additional provisions governing adverse actions are established.

A violation of the chapter is an unfair or deceptive act and unfair method of competition for purposes of applying the Consumer Protection Act (CPA). However, a consumer's judgment under CPA is limited to actual damages, costs, and attorney fees but may be enhanced by a \$1,000 monetary award when there is a willful failure to comply with the chapter.

In addition, criminal penalties are established for other violations of the act. A person who knowingly and willfully obtains information from a credit report under false pretenses is subject to a fine of up to \$5,000, imprisonment of up to one year, or both. Employees and officers of a consumer reporting agency who provide information to unauthorized persons also are subject to criminal penalties.

**Votes on Final Passage:**

Senate	45	0	
House	98	0	(House amended)
Senate	37	0	(Senate concurred)

**Effective:** January 1, 1994

Changing sex offense provisions for perpetrators who are health care providers or persons with supervisory authority.

By Senator A. Smith

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person: (1) by forcible compulsion; (2) when the victim is incapable of consent by reason of being physically helpless or mentally incapacitated; or (3) when the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim.

A person is guilty of indecent liberties when he or she knowingly causes another person who is not a spouse to have sexual contact with the person: (1) by forcible compulsion; (2) when the victim is incapable of consent by reason of being physically helpless or mentally incapacitated; or (3) when the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim.

The existing rape and indecent liberties statutes do not address the situation where sexual intercourse or sexual contact occurs during the delivery of health care services, when the health care provider is invariably in a position of power and can exert undue influence or control over his or her patient.

**Summary:** The second degree rape statute and the indecent liberties statute are amended to address situations involving sexual intercourse or sexual contact between health care providers and their patients.

A health care provider is guilty of rape in the second degree when he or she engages in sexual intercourse with a client during a treatment session, consultation, interview, or examination. A person is guilty of rape in the second degree if he or she: (1) engages in sexual intercourse with a resident of a facility for mentally disordered or chemically dependent persons; (2) is not married to the victim; and (3) is in a position of supervisory authority over the victim.

The indecent liberties statute is amended in the same manner as the rape statute to include health care providers and persons having supervisory authority over mentally disordered or chemically dependent persons.

It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual intercourse or contact with the knowledge that the sexual intercourse or contact was not for the purpose of treatment.

Definitions are provided for mentally disordered person, chemically dependent person, health care provider, and treatment.

**Votes on Final Passage:**

Senate	46	0	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	44	0	(Senate concurred)

Effective: July 25, 1993

**SB 5578**

C 215 L 93

Clarifying the areas where a personal use fishing license is not required.

By Senators Fraser, Owen, Oke, Hargrove, Haugen and Winsley

Senate Committee on Natural Resources  
House Committee on Fisheries & Wildlife

**Background:** A personal use license is required for persons to fish for carp, except in the Columbia River above Chief Joseph Dam.

**Summary:** A personal use license is not required for carp fishing.

**Votes on Final Passage:**

Senate	49	0
House	92	0

Effective: July 25, 1993

**ESB 5580**

C 124 L 93

Modifying the regulation of manufactured housing.

By Senators Moore, Barr, McAuliffe, Vognild, Newhouse, Prentice, Prince, Amondson, Sutherland, Fraser, Winsley and von Reichbauer; by request of Department of Community Development

Senate Committee on Labor & Commerce  
House Committee on Trade, Economic Development & Housing

**Background:** Manufactured housing construction standards are established by federal law, and enforced either by federal inspections of manufacturing facilities or by state inspections pursuant to an intergovernmental agreement. In order for a state to assume this function, federal law requires delegation of responsibility for this program by the Legislature to a particular agency.

Local standards may be adopted but must duplicate federal construction standards. Hearings, inspections and

penalties must also be substantially the same as required by federal law.

**Summary:** The Director of the Department of Community Development is given authority to enforce federal manufactured housing safety and construction standards. The director is authorized to make agreements with the federal government, state agencies, or private inspectors to implement and enforce the standards.

The department is given rule-making authority and is required to hold appropriate hearings.

Penalties are provided for a violation of the federal standards not to exceed \$1,000 for each violation. Violations with respect to each manufactured home or each failure to perform an act required constitute a separate violation with a cumulative maximum penalty of \$1 million related to any series of violations.

Willful violations that threaten health or safety of a purchaser can subject individuals to a fine of up to \$1,000 or imprisonment of up to one year, or both.

Legal fees and other costs associated with pursuing and prosecuting violators is to be reimbursed by the violators. The director is given authority to conduct inspections, enter into manufacturing facilities at reasonable times, to require reports from manufacturers, to hold hearings related to this activity, and to charge fees to cover the expenses of the program.

The act expires on January 1 following any year the federal government ceases to provide funding.

**Votes on Final Passage:**

Senate	49	0
House	98	0

Effective: July 25, 1993

**SB 5584**

C 478 L 93

Creating the Washington housing policy act.

By Senators Franklin, Winsley, McAuliffe, Skratek, M. Rasmussen, Hargrove, Wojahn, Niemi, Drew and Pelz

Senate Committee on Labor & Commerce  
House Committee on Trade, Economic Development & Housing

**Background:** There are a number of state programs that seek to stimulate the development of and access to affordable housing for individuals of all income levels.

The Department of Community Development administers a number of housing programs including the Housing Trust Fund that provides funding for the capital construction costs of housing for low-income individuals and special needs populations. The Washington State Housing Finance Commission, created by the Legislature in 1983, is a self-supporting agency that assists individuals, non-profit organizations and others in financing the purchase, construction or rehabilitation of single family and multi-

family housing units. The commission accomplishes its goals through the issuance of tax exempt bonds, the proceeds of which are used for the commission's programs.

There is no comprehensive statewide housing policy. It is suggested that the lack of such a policy inhibits the effective, coordinated delivery of housing programs in this state.

**Summary:** The Washington Housing Policy Act is established. The purposes of the act are to: provide policy direction to the public and private sectors seeking to meet the housing needs of state residents; reevaluate housing-related programs and policies to ensure proper coordination of these programs and policies; improve the delivery of state services to low-income and special needs populations; strengthen partnerships among all levels of government, and the public and private sectors involved in the production and operation of housing for low and moderate-income households; increase the supply of housing for special needs populations; encourage collaborative planning with social service providers; encourage financial institutions to increase residential mortgage lending; and coordinate housing into comprehensive community and economic development strategies at the state and local levels.

It is the stated goal of the state of Washington to assist, when necessary, the efforts of the public and private sectors and to cooperate and participate, when necessary, in the attainment of a decent home in a healthy, safe environment for every resident of the state.

A 21-member Affordable Housing Advisory Board is established within the Department of Community Development (DCD) to analyze solutions and programs and make recommendations that address the state's need for affordable housing; assist in the preparation of a five-year housing advisory plan; and advise and provide policy direction to DCD on housing and housing-related issues. Beginning December 1, 1993, the Affordable Housing Advisory Board must prepare an annual report to DCD on specific program, legislative, and funding issues. Members are appointed by the Governor.

The Department of Community Development is directed, in consultation with the Affordable Housing Advisory Board, to prepare a five-year housing advisory plan.

The Department of Community Development is directed, in consultation with the Affordable Housing Advisory Board, to conduct a study and make recommendations concerning the development and placement of accessory apartments. The recommendations must be submitted to the Legislature by December 15, 1993, and are not effective until 90 days following adjournment of the 1994 Regular Session. By December 31, 1994, local governments are to incorporate the recommendations in the accessory apartment study into their development or zoning regulations.

The Department of Community Development must provide technical assistance and information to state agen-

cies and local governments to assist in the identification and removal of regulatory barriers to affordable housing. The assistance may include: (1) analyzing the affordability implications of state and local government actions; (2) assisting all levels of government in determining the impact of existing and proposed regulations on housing affordability; (3) developing techniques and opportunities to reduce the cost of housing through regulatory reform; (4) developing model standards and ordinances designed to reduce regulatory barriers to affordable housing; and (5) preparing state regulatory barrier removal strategies.

The Department of Community Development may develop and administer a Home-Matching Program in up to five local jurisdictions.

The Department of Community Development is designated as the principal state department for coordinating and evaluating the use of federal and state resources and activities for housing.

The state's housing authority law is amended to allow a public housing authority to exercise any powers of an urban renewal agency or of a public development corporation, when requested by a local government. The requirement to dedicate 30 percent of an individual building's interior space for persons of low-income is removed. Housing projects financed by a public housing authority and developed for intended sale to low- and moderate-income persons by nonprofit organizations or governmental units are not subject to the requirement that the units be dedicated to low-income occupancy for a 20-year period. The 20-year occupancy requirement does not apply to projects where the public housing authority only provides short-term financing.

All cities, towns, or counties are prohibited from enacting or maintaining an ordinance, regulation, policy, or administrative procedure that treats a residential structure occupied by persons with handicaps differently from a similar residential structure occupied by a family or other unrelated individuals.

**Votes on Final Passage:**

Senate	42	5	
House	93	1	(House amended)
Senate	33	7	(Senate concurred)

**Effective:** July 25, 1993

**SSB 5596**

C 38 L 93

Destroying redeemed warrants.

By Senate Committee on Government Operations (originally sponsored by Senator Loveland; by request of State Treasurer)

Senate Committee on Government Operations  
House Committee on State Government

**Background:** To protect against potential fraud with respect to redemption of state warrants, the State Treasurer is required to keep physical custody of redeemed warrants for two years. The record of discoveries of fraud beyond 18 months has proved to be very low, and storage space is at a premium.

**Summary:** The maximum retention period for redeemed warrants is reduced from two years to one year.

**Votes on Final Passage:**

Senate 49 0  
House 98 0

**Effective:** July 25, 1993

**SB 5597**

C 125 L 93

Limiting the use of documentary materials.

By Senators A. Smith, Spanel and Rinehart; by request of Attorney General

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** Washington's Attorney General is authorized to investigate possible violations of the Consumer Protection Act. During such investigations, the Attorney General may issue civil investigative demands (CIDs) requiring the recipients to produce documents, answer written questions or give oral testimony. This type of pre-suit discovery allows the Attorney General to determine whether legal action is warranted.

In most cases, information produced in response to a CID may be disclosed only to authorized employees of the Attorney General, unless the person who provided the information consents to the disclosure. This restriction prevents the Attorney General from sharing CID material with other law enforcement organizations who may participate in joint or related investigations.

The Attorney General believes that CID information sharing, subject to appropriate confidentiality conditions, would allow for more effective investigations of violations of the Consumer Protection Act.

**Summary:** The Attorney General may provide copies of materials obtained pursuant to a civil investigative demand to any law enforcement official of this state, another state or the federal government who is responsible for enforcing antitrust or consumer protection laws.

An official receiving such information must agree not to disclose the information to parties other than the official's employees.

Such information may not be introduced as evidence in a criminal prosecution.

The Attorney General may keep confidential materials received from other law enforcement agencies.

**Votes on Final Passage:**

Senate 48 0  
House 97 0

**Effective:** July 25, 1993

**SSB 5606**

C 216 L 93

Directing the state auditor to scrutinize funds and accounts under the control of state agencies.

By Senate Committee on Ways & Means (originally sponsored by Senators Prince, Vognild, Cantu, Fraser, Newhouse, Prentice, McAuliffe, Sutherland, Moore and Winsley)

Senate Committee on Ways & Means  
House Committee on State Government

**Background:** A revolving fund is a type of dedicated account established to pay the cost of goods or services furnished by a state agency. The fund is typically replenished by charges made for the goods or services.

Most state funds and accounts are managed by the State Treasurer. Funds and accounts that are located outside of the State Treasurer's Office are known as local accounts; these accounts are managed directly by the state agency that established the account.

The State Auditor conducts annual financial audits of all units of state and local government.

**Summary:** As part of the routine audits of state government agencies, the State Auditor is directed to inventory all revolving funds, local funds, and other funds outside the State Treasury and managed by state agencies. The Auditor examines accounting methods, record keeping practices, and expenditures, and reports biennially to the Legislature on the status of these accounts.

**Votes on Final Passage:**

Senate 46 0  
House 98 0 (House amended)  
Senate 38 0 (Senate concurred)

**Effective:** July 25, 1993

**SSB 5612**

C 172 L 93

Reorganizing the transportation improvement board.

By Senate Committee on Transportation (originally sponsored by Senators Erwin, Skratek, Prentice, von Reichbauer, M. Rasmussen, Nelson, Sellar, Vognild, Winsley, Hochstatter, Barr and Oke)

Senate Committee on Transportation  
House Committee on Transportation



## ESSB 5615

**Background:** The Transportation Improvement Board provides state grants to local jurisdictions for transportation projects in large and small cities and urbanized areas outside of cities.

The board is comprised of 17 members including three city elected officials, three city engineers, three county elected officials, two county engineers, the County Road Administration Board director, three DOT Assistant Secretaries, one public transit member, and one private sector member. The county, city, transit, and private sector members are appointed by the Secretary of Transportation.

The private sector and public transit members were added to the board in 1991.

**Summary:** The Transportation Improvement Board is increased from 17 to 18 members and is modified as follows: (1) a public member appointed by the Secretary of Transportation is added; (2) the DOT Assistant Secretary for Highways is removed; (3) a Governor appointee who must be a state employee with transportation responsibilities is added; (4) one county elected official and one city elected official must serve on a transit board; (5) the elected officials fulfilling the transit board requirement may be from any size city or county (formerly large county or city); (6) one county and one city engineer/public works director each are replaced with a planning director or planning manager; (7) at least one of the three county elected officials and at least one of the three city elected officials must be from each side of the state; and (8) no appointed member may serve more than two consecutive four-year terms.

Requirements for the public member position include experience in transportation or land use planning, a demonstrated interest in transportation issues, and involvement in community or grassroots organizations. Applicants for the public member position, and the existing private member position, will be sought through advertisements in newspapers reaching all urban areas of the state.

### Votes on Final Passage:

Senate	46	0	
House	98	0	(House amended)
Senate	39	0	(Senate concurred)

Effective: July 1, 1993

## ESSB 5615

C 217 L 93

Moving the teachers recruiting future teachers program from the office of the superintendent of public instruction to the professional development centers in educational service districts.

By Senate Committee on Education (originally sponsored by Senators M. Rasmussen and Oke; by request of Superintendent of Public Instruction)

Senate Committee on Education  
House Committee on Education

**Background:** As of 1991, each educational service district is required to establish a center for the improvement of teaching, also referred to as a professional development center. Within available resources, these centers are responsible for administering, coordinating and acting as fiscal agents for programs for recruiting and training certificated and classified educational personnel. In 1991, the Office of the Superintendent of Public Instruction was given responsibility for administering the Teachers Recruiting Future Teachers program. During the first two years of the program, the Superintendent of Public Instruction has worked with the centers for the improvement of teaching located in the educational service districts.

An annual education week program was a statutory part of the program created in 1991. The annual education week program at Central Washington University is no longer being conducted.

**Summary:** The Teachers Recruiting Future Teachers program is transferred from the Office of the Superintendent of Public Instruction to the professional development centers located in educational service districts.

As part of recruiting future teachers, the professional development centers are required to place special emphasis on recruiting future teachers who represent the diversity of public school populations and on recruiting future teachers who will teach mathematics, science and technology.

References to the education week program at Central Washington University are deleted.

The statute is recodified to place it in the chapter of the Revised Code of Washington where the educational service district professional development centers are established.

### Votes on Final Passage:

Senate	45	0
House	89	4

Effective: July 25, 1993

## SSB 5625

C 479 L 93

Prohibiting the death penalty for the mentally retarded.

By Senate Committee on Law & Justice (originally sponsored by Senators Prentice, Hargrove, Rinehart, A. Smith, Williams, Moyer, Drew, Prince, Erwin, Skratek and McAuliffe)

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** In the United States Supreme Court case, Penry v. Lynaugh, 109 S. Ct. 2934 (1989), the court found that the Eighth Amendment prohibition against cruel and unusual punishment does not categorically forbid imposing a capital sentence upon a person diagnosed as being mentally retarded.

The capital punishment statutes in most states do not directly address the imposition of capital punishment on mentally retarded persons. The states of Georgia, Maryland, Kentucky, Tennessee and New Mexico prohibit execution of mentally retarded persons, and similar legislation is under consideration in the State of Florida.

**Summary:** A person convicted of aggravated first-degree murder who was mentally retarded at the time the crime was committed cannot be sentenced to death. A diagnosis of mental retardation must be documented by a court appointed licensed psychiatrist or licensed psychologist who is an expert in making such assessments. The defense must establish the existence of mental retardation by a preponderance of the evidence and the court must make a finding as to the existence of mental retardation. An individual is mentally retarded when that person has significantly subaverage general intellectual functioning concurrently with deficits in adaptive behavior. Adaptive behavior is defined as the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for his or her age. Significantly subaverage general intellectual functioning and deficits in adaptive behavior must be manifested during the developmental period between conception and the 18th birthday.

**Votes on Final Passage:**

Senate	41	6	
House	70	28	(House amended)
Senate	38	3	(Senate concurred)

**Effective:** July 25, 1993

### SSB 5634

C 279 L 93

Requiring state agencies to submit interagency disputes to mediation before filing lawsuits.

By Senate Committee on Government Operations (originally sponsored by Senators Bauer, Newhouse, Snyder, Haugen, Gaspard, Vognild, Sutherland, Rinehart, Spanel, Talmadge, Winsley, McAuliffe, Moore and Drew)

Senate Committee on Government Operations  
House Committee on State Government

**Background:** There is no provision in state law prescribing how state agencies resolve disputes among themselves. Agencies may, at times, institute legal action in the courts against each other at substantial cost.

**Summary:** State agencies are encouraged to utilize alternative dispute resolution procedures prior to commencing a lawsuit against another state agency. Agencies may request the assistance of the Governor in resolving disputes and the Governor may appoint a mediator. For the purposes of this act, state agencies do not include the judi-

ary, Legislature, Governor's office and minor boards and commissions.

**Votes on Final Passage:**

Senate	48	0	
House	98	0	(House amended)
Senate	42	0	(Senate concurred)

**Effective:** July 25, 1993

### SB 5635

C 360 L 93

Modifying procedures regarding disclosure of address of a health professional subject to a disciplinary complaint.

By Senators Niemi and Talmadge

Senate Committee on Health & Human Services  
House Committee on Health Care

**Background:** Individuals seeking or renewing a health professional credential must provide the Department of Health with a mailing address, telephone number and federal Social Security number. The application and renewal forms used in collecting this information are considered public documents and subject to public inspection and copying. Many health care professionals may be unaware that this information is available to the public.

When a person files a complaint against a credential holder, the disciplinary authority may communicate in writing with the person about the status or disposition of the complaint. Some of these communications have included the home address of the credential holder. There is concern that disclosure of such information makes it easier for a person filing a complaint to locate and harass a credential holder at his or her home.

**Summary:** All health professional disciplinary authorities are forbidden from including the address of a credential holder on any written communication with persons filing a complaint against a credential holder. The credentialing authorities for the health professions are required to inform all persons applying or renewing a credential that the address and telephone number they provide on the application or renewal form may be disclosed to the public.

The disciplinary authorities must also not release a license holder's Social Security number to the public. This information may be released to government agencies and disciplinary, investigative and examining organizations.

The public record disclosure statutes are amended to allow a credential holder to request that his or her home address and phone number not be released to the public provided they supply the Department of Health with an accurate business address and phone number.

After January 1, 1995, the Department of Health shall withhold from public disclosure all license holders' residential addresses and phone numbers if they supply business addresses and phone numbers.

## SB 5638

### Votes on Final Passage:

Senate 47 0  
House 93 0 (House amended)  
Senate 46 0 (Senate concurred)

Effective: May 15, 1993

## SB 5638

C 436 L 93

Modifying property tax valuation of property affected by growth management regulations.

By Senators Skratek, Drew, Roach, Haugen, Quigley, M. Rasmussen and Oke

Senate Committee on Government Operations  
House Committee on Revenue

**Background:** All property is valued at 100 percent of its value and assessed on the same basis, unless otherwise provided by law. The true and fair value of real property is based upon certain criteria. Sales of the property being sold or comparable property sold within the last five years is considered. Zoning, physical and environmental influences are evaluated. Other elements are also considered, such as the market demand for properties of a certain type.

In 1990, the Growth Management Act (GMA) was passed in an effort to encourage development in urban areas where adequate public facilities and services are already available, and to reduce urban sprawl. Property value may be affected in areas regulating under the GMA.

**Summary:** The effect of regulating under the GMA is included as another factor in the appraisal of property. The appraisal of property is consistent with the comprehensive land use plan and development regulations under the GMA, zoning, and any other governmental policies or practices in effect at the time of appraisal which affects the use of property. These elements are in addition to those already considered in an appraisal.

### Votes on Final Passage:

Senate 48 0  
House 96 0 (House amended)  
Senate (Senate refused to concur)  
House 95 0 (House receded)

Effective: July 25, 1993

## SB 5649

C 480 L 93

Removing the expiration date for Washington state support registry employer reporting.

By Senators Quigley, Roach and A. Smith; by request of Department of Social and Health Services

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** The Employer Reporting Program was established by the Legislature in 1990 and expires on July 1, 1993. The program requires employers in five selected industries to report information on new hires to the Office of Support Enforcement (OSE) within 35 days of hire. The objective of the program is to enhance collection of child support from parents who change jobs frequently. Although OSE has access to hire information from the Employment Security Department, this information is often not received until three or four months after the hire date.

The enacting legislation required the Legislative Budget Committee to conduct a study of the effectiveness of the program and submit a report by November 1992. OSE also prepared a report analyzing the program in 1991. Both reports found a favorable ratio of collections to agency cost for the program.

**Summary:** The July 1, 1993, expiration date for the employer reporting program is deleted.

### Votes on Final Passage:

Senate 46 0  
House 96 0

Effective: May 17, 1993

## SB 5660

C 113 L 93

Developing the Washington state citizens' exchange program.

By Senators M. Rasmussen, Barr, Deccio, Loveland, Snyder, Fraser, Skratek, Sheldon, Drew, Prince, Winsley, Erwin, Bluechel, Amundson and Franklin

Senate Committee on Trade, Technology & Economic Development  
House Committee on Trade, Economic Development & Housing  
House Committee on Appropriations

**Background:** Citizen exchanges can be a valuable way of developing close cultural, civic, educational and economic ties between Washington and other nations around the world. The expertise of the state's citizens in such fields as agriculture, health, and resource management can be shared with other nations, and the state can benefit from the increased tourism, trade and investment that these relationships can stimulate.

**Summary:** The Secretary of State, in consultation with the Department of Trade and Economic Development, Department of Agriculture, economic development consultants, the consular corps, and other international trade organizations, is directed to develop a Washington State citizens' exchange program. The Secretary of State reports back to the Legislature in January 1994 with a proposal for instituting the program.

**Votes on Final Passage:**

Senate 46 0  
 House 98 0  
**Effective:** July 25, 1993

**SB 5675**

C 361 L 93

Concerning the financing of bonds for storm water facilities.

By Senators Drew, Loveland, Skratek and Haugen

Senate Committee on Government Operations  
 House Committee on Local Government

**Background:** A county legislative authority may authorize the issuance of revenue bonds to finance storm water facilities. The bonds may be retired through the collection of service charges from the benefited property owners. When property included in a storm water facility service area is annexed or incorporated, the ability of the county to service the debt through collection of service charges is impaired.

**Summary:** Counties are permitted to continue to collect a portion of service charges or rates allocable to the payment of revenue or general obligation bonds issued to finance storm water facilities when land is incorporated or annexed to a city or town. This authority applies even if the facilities financed by the bonds are not physically located in the area that is incorporated or annexed. The charges or rates may be collected until the original or any refinancing bonds are retired, or until the city or town reimburses the county in an amount sufficient to retire the portion of the debt borne by the annexed or incorporated area.

**Votes on Final Passage:**

Senate 45 0  
 House 89 2 (House amended)  
 Senate (Senate concurred in part)  
 House (House refused to recede)

**Conference Committee**

House 98 0  
 Senate 42 1

**Effective:** July 25, 1993

**SSB 5678**

C 104 L 93

Exempting licensed domestic wineries from commission merchant requirements.

By Senate Committee on Agriculture (originally sponsored by Senators Loveland, Newhouse, Deccio and Winsley)

Senate Committee on Agriculture  
 House Committee on Agriculture & Rural Development

**Background:** Domestic wineries that purchase wine grapes from growers are required to be licensed and bonded with the Department of Agriculture under the Commission Merchants Act. The Commission Merchants Act was enacted in 1959 to provide an increased degree of assurance that farmers would be paid by buyers or persons arranging the sale of specified agricultural products.

During the 1980's, the processor lien statutes were enacted to also provide an increase in the degree of protection that farmers are paid for crops delivered to processors. The processor lien statute established a first priority statutory lien on specified agricultural commodities, including viticultural products, which continues until 20 days after payment for product is due and remains unpaid.

**Summary:** A domestic winery that purchases agricultural commodities solely for its own needs is exempt from regulation under the commission merchants laws.

**Votes on Final Passage:**

Senate 48 0  
 House 98 0  
**Effective:** July 25, 1993

**SSB 5686**

C 481 L 93

Limiting the penalty charge for late payment of a credit card balance.

By Senate Committee on Labor & Commerce (originally sponsored by Senators Williams and Pelz)

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

**Background:** Under Washington's Retail Installment Act, the holder of a retail installment contract, retail charge agreement, or lender (nonbank) credit card may only collect a delinquency or collection charge if two conditions are met. The contract or agreement must provide for the collection of these charges, and the charges must be reasonable. In addition, the holder may only collect an attorney's fee when these credit agreements are collected by an attorney who is not a salaried employee of the holder.

Concern has been expressed that the reasonableness limitation on delinquency charges is inadequate.

**Summary:** The maximum delinquency charge for retail charge agreements and lender credit cards is 10 percent of the average balance of the delinquent account for the prior 30-day period when this balance is less than \$100. However, a minimum charge of up to \$2 is authorized. The foregoing delinquency charge provisions only apply to accounts that are not past due by more than 10 days.

**Votes on Final Passage:**

Senate 42 3  
 House 98 0 (House amended)  
 Senate 39 1 (Senate concurred)

**Effective:** July 25, 1993

SSB 5688

C 482 L 93

Modifying enforcement of forest practices guidelines.

By Senate Committee on Natural Resources (originally sponsored by Senators Owen, A. Smith and Oke)

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

**Background:** Forest practice rules incorporate a number of enforcement devices. These include informal conferences, stop work orders, notices to comply, civil penalties and criminal penalties. The Department of Natural Resources uses these methods to implement the legislative intent of the Forest Practices Act. Civil penalties are limited to \$500. It is felt that this \$500 penalty offers very little deterrent to operators who act in violation of the rules.

The statutes allow that enforcement of final orders are actions by the Attorney General rather than by the department. The department cannot satisfy the requirements of final orders because actions can only be taken by the Attorney General's Office. Current statutes allow the department to perform work that a landowner refuses to perform as a result of a final order.

**Summary:** The Department of Natural Resources may deny a forest practice application or notification submitted by any person who has failed to comply with a final order or who has failed to comply with a final decision of the department. Any person who has failed to pay civil penalties may be denied a permit for up to one year. The department will provide written notice of its intent to disapprove an application or notification for a forest practice. The department will send copies of the notice of intent to disapprove to any affected landowner. The disapproval period will run from 30 days following the date of the actual notice. Any person provided the notice may seek review from the Forest Practices Appeals Board by filing a request for review within 30 days of receiving the notice of intent.

The Attorney General may take action to enforce violations of forest practice rules and regulations and may seek penalties and enforce final orders and decisions of the department. The Attorney General's office may seek civil injunctions, may ask for show cause orders or contempt orders.

The maximum penalty for forest practices violations and for a person who converts forest land to other than commercial timber operations within three years without the consent of the county, city or town, shall be \$10,000.

The Department of Natural Resources will develop and recommend to the Forest Practices Board a penalty schedule to determine the amount of fines to be imposed. The board will adopt the penalty schedule by rule no later than January 1, 1994. In developing the rule, consideration will be given to the previous violation history of the person and the severity of impact to public resources. Additional consideration will be given to whether the violation of the

chapter or its rules was intentional, the amount of cooperation the violators showed in working with the department to solve the problem, and the reparability of the adverse effect from the violation. In adopting a penalty schedule, the Forest Practices Board must provide that penalties will be reduced if the forest landowner is unaware of and has not benefitted from a violation. The effective date for enforcement using the new penalty schedule is January 1, 1994, after the board adopts penalty rules.

The Department of Natural Resources may use small claims court to collect penalties.

Penalties imposed by the Department of Natural Resources for violations associated with the conversion to a use other than commercial timber growing shall be a lien upon the real property of the person assessed the penalty. The department may collect fines in the same manner as provided for mechanics liens.

**Votes on Final Passage:**

Senate	46	1	
House	98	0	(House amended)
Senate	46	1	(Senate concurred)

**Effective:** July 25, 1993

SB 5689

C 511 L 93

Establishing a license to sell liquor in motels.

By Senators Moore, West, Vognild and McCaslin

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

**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. A hotel is required to have a full service dining room in order to hold a class H liquor license.

Motels that do not hold a class H liquor license are not authorized to sell individual bottles of liquor 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.

Containers of alcohol must be kept in locked honor bars and the bars are required to have 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 40 5  
House 86 7

**Effective:** July 25, 1993

**SB 5693**

C 60 L 93

Authorizing exemptions from county vehicle license fees.

By Senators Vognild, Drew and Quigley

Senate Committee on Transportation

House Committee on Transportation

**Background:** As part of the 1990 transportation revenue package, the Legislature authorized the counties to impose several different local option taxes to raise revenue for local transportation purposes. One of the local option taxes is an addition to the state motor vehicle registration fee not to exceed \$15.

The 1991 Legislature authorized a refund process that a county could initiate. To qualify for a refund, an individual must be a registered owner residing within the boundaries of the county and (a) be 61 years or older at the time of the payment of the fee and had income of less than \$18,000 for the previous year, or (b) have a physical disability.

The counties which have instituted the local option \$15 fee have found the refund process cost-prohibitive and confusing to the public. The public has been confused by having to pay the fee and then apply for a refund.

**Summary:** The refund process is changed to an exemption process. The qualification that specified that an individual had to be 61 years or older, and make less than \$18,000 a year, is changed to 61 years or older and making less than an amount of income prescribed by the county legislative authority.

**Votes on Final Passage:**

Senate 45 0  
House 98 0

**Effective:** July 25, 1993

**ESB 5694**

C 148 L 93

Lowering the age for use of an out-of-state license or learner's permit.

By Senators Snyder, Sutherland and Vognild

Senate Committee on Transportation

House Committee on Transportation

**Background:** Current statute allows nonresidents who are at least 16 years old and possess a valid driver's license issued by their home state to drive in Washington. Current statute is silent on the treatment of nonresidents who possess an instruction permit.

In some rural border communities, the closest urban center is in the bordering state. As part of the secondary schools traffic safety education courses, a student must demonstrate driving skills in both urban and rural settings. Students in some bordering communities must drive long distances to reach an urban center within the state when a closer urban center exists across the state border.

**Summary:** A nonresident who is at least 15 years of age may drive in the state if he or she possesses an instruction permit and is accompanied by a driver with at least five years of driving experience and has been issued a driver's license from the nonresident's home state.

**Votes on Final Passage:**

Senate 49 0  
House 98 0 (House amended)  
Senate 41 0 (Senate concurred)

**Effective:** July 25, 1993

**SB 5695**

C 218 L 93

Changing provisions relating to GED tests.

By Senators Bauer, Gaspard, Sellar, Pelz, Drew, Prince and M. Rasmussen; by request of State Board for Community and Technical Colleges

Senate Committee on Higher Education

House Committee on Higher Education

**Background:** The General Educational Development (GED) testing program is jointly administered by GED Testing Service and by state GED administrators. The tests are taken by adults who leave school without earning a high school diploma.

In 1991 the administration of the GED testing program transferred from the office of the Superintendent of Public Instruction to the office of Adult Literacy of the State Board for Community and Technical Colleges (SBCTC).

**Summary:** The age of 16 is established as the minimum age for students eligible to take the GED test. The State Board of Education establishes the eligibility criteria of individuals under age 19 to take the GED tests.

The SBCTC establishes rules and regulations governing the operating of the GED testing programs and the issuance of GED certificates in Washington.

**Votes on Final Passage:**

Senate 49 0  
House 88 0

**Effective:** July 25, 1993



**SB 5696**

C 61 L 93

Authorizing the department of retirement systems to be divided into three divisions.

By Senators Haugen, Newhouse and Spanel; by request of Department of Retirement Systems

Senate Committee on Government Operations  
House Committee on State Government

**Background:** When the Department of Retirement Systems was created in 1976, several separate retirement systems were consolidated.

At that time, the enabling legislation authorized creation of two divisions: Operations, to administer the various retirement systems (now the Retirement Systems Division), and Administrative Services/Fiscal, for agency management. Since then, an Information Systems Division has been developed, and the department has requested amendment of the statute.

**Summary:** The Department of Retirement Systems is given authority to be organized into three divisions.

**Votes on Final Passage:**

Senate 41 0  
House 98 0

**Effective:** July 25, 1993

**SSB 5699**

C 108 L 93

Changing the organizational structure of the Pacific Northwest Economic Region.

By Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Bluechel, Snyder, Cantu, Gaspard, Jesemig, Skratek, Erwin and M. Rasmussen; by request of Governor Lowry)

Senate Committee on Trade, Technology & Economic Development  
House Committee on Trade, Economic Development & Housing

**Background:** The Pacific Northwest Economic Region (PNWER) was established by the Legislature in 1991. Legislative leaders from the states of Alaska, Idaho, Montana, and Oregon and the provinces of British Columbia and Alberta currently participate in PNWER.

PNWER seeks to develop and establish policies that promote greater regional collaboration among the seven entities; 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 current organizational structure of PNWER consists of: a delegate council, consisting of four legislators

from each participating state and four representatives of each participating province; and an executive committee consisting of one legislator from each participating state and/or province who is a member of the delegate council.

**Summary:** The organizational structure of PNWER is modified. The delegate council is expanded to include the governor or governor's designee from each participating state and the premier or premier's designee from each participating province. The executive committee is also expanded to include four of the seven governors or premiers or their designees who are members of the delegate council.

The duties of the executive committee are expanded to include: examining the availability of status as a nonprofit organization under U.S. and Canadian laws and, if appropriate, applying for such status for the PNWER organization.

**Votes on Final Passage:**

Senate 49 0  
House 98 0

**Effective:** July 25, 1993

**ESSB 5702**

C 483 L 93

Regulating unemployment insurance.

By Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice, Wojahn and Franklin; by request of Employment Security Department)

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

**Background:** An employee who is discharged for misconduct relating to the job is not eligible for unemployment benefits. Misconduct is not defined in the statute or regulations. A recent Supreme Court definition is quite broad and does not require intent or harm to the employer's business.

Deductions are made from unemployment benefits if the individual is receiving federal Social Security pension benefits.

A worker injured on the job who has recovered and is attempting to reenter the workforce is entitled to unemployment benefits if he or she is unable to find work. A person injured while not on the job is not entitled to those benefits. Currently, only employers for whom individuals worked during their employment base period, or their last employer are entitled to claimant information from the department. The Department of Employment Security is required to provide nonfederal funds to resolve any federal noncompliance or audit claims. The current procedure requires that the claim be paid in cash from the department's administrative contingency fund.

Workers who voluntarily quit without good cause, who are discharged for misconduct, or who fail to accept or apply for available work are not eligible for benefits until they obtain work and earn at least their benefit amount in five separate calendar weeks.

An individual whose employment is terminated because of a felony or gross misdemeanor conviction or admission is disqualified from receiving benefits for which base year credits are earned in any employment prior to discharge.

The maximum weekly benefit under unemployment insurance is 60 percent of the state average wage as calculated by the department. The maximum benefit is \$272.

Extended benefits are paid to eligible claimants when unemployment reaches a certain level. This trigger level has not been reached since 1983. Federal law provides an optional state trigger that may be used.

The unemployment insurance experience rating system provides for relief of benefit charges to employers in a variety of circumstances.

Unemployment insurance taxes are assessed based on two criteria: (1) level of money in the trust fund; and (2) employer experience rating. As the fund increases or decreases, a series of six tax schedules ranging from A to F go into effect. The lowest tax schedule, schedule A, is in effect when the fund balance is in excess of 3.4 percent of total taxable payrolls in the state (\$1.3 billion). Experience rating is determined by the level of unemployment benefits paid out to the employees of a particular employer over a four-year period.

**Summary:** Misconduct is defined to require a willful act which causes harm to the employer's business. The Social Security pension offset from benefits provision is removed.

Workers who are injured off the job who are unable to find work after they recover from an injury are eligible for unemployment benefits, as well as those who are injured on the job. Employers are granted access to information relating to any decision to allow or deny benefits if: (a) the decision is based on employment or job offer by that employer; or (b) the decision is based on material information provided by the employer.

The Department of Employment Security must resolve federal compliance or audit claims under the following priority: (1) provide services to eligible claimants or individuals within the state; (2) provide substitute services or program support; (3) make payment of funds to the federal government. Following a disqualifying termination from employment, the requalification requirements are changed to five calendar weeks and having earned five times the worker's weekly benefit amount.

Hourly wage credit cancellation resulting from criminal conduct is limited to the employment at the time of the criminal conduct.

The maximum weekly benefit is increased to 70 percent of the average weekly wage. Interest payments of 1 percent per month are imposed on all outstanding overpayments that are due to fraud.

The optional trigger allowed by federal law which determines the payment of extended benefits is adopted, effective October 2, 1993.

The conditions and circumstances under which an employer is provided relief from benefits charges to their experience rating are reordered. A new "AA" tax schedule is added which provides lower tax rates to most rate classes when the trust fund balance ratio is at 3.90 and above.

Delinquent employers are assigned a rate class which is 2/10 of 1 percent higher than the highest rate class of nondelinquent employers.

An unemployment insurance task force is established composed of legislators and others to study certain listed issues. Their report is to be complete by December 31, 1993. The cost of the task force is funded by a surtax of 1/100 of 1 percent surtax on all employers for the first calendar quarter of 1994.

**Votes on Final Passage:**

Senate	27	21	
House	56	42	(House amended)
Senate	29	19	(Senate concurred)
<b>Effective:</b>	May 17, 1993		(Sections 12, 16)
	July 3, 1993		(Sections 1, 2, 8-11, 19)
	July 25, 1993		
	October 2, 1993		(Sections 15, 17, 18)
	January 1, 1994		(Sections 13, 14)
	January 2, 1994		(Sections 3-5)

**SB 5703**

C 62 L 93

Codifying the labor market information and economic analysis responsibilities of the employment security department.

By Senators Prentice, Prince, Moore, Amondson and Franklin; by request of Employment Security Department

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

**Background:** At the present time the Department of Employment Security under a series of state and federal mandates administers a statewide labor market information system.

Recent reductions in federal and state funds have impaired the ability of the Department of Employment Security to respond to requests for special reports or analyses of the labor market.

**Summary:** The Department of Employment Security is designated as the state agency responsible for labor market information and economic analysis. The department's duties to manage, coordinate and produce labor market information are specifically stated.

The department is granted the authority to recover actual costs for labor market information services that are developed in response to individual requests.

All funds received by the department to cover actual costs are placed in the unemployment compensation administration funds. Expenditures from the fund may only

## SSB 5704

be authorized by appropriation and may only be used to fund labor market analysis.

### Votes on Final Passage:

Senate 49 0  
House 98 0

Effective: July 1, 1993

## SSB 5704

C 484 L 93

Penalizing unlawful factoring of credit card transactions.

By Senate Committee on Law & Justice (originally sponsored by Senators Prentice, Moore and Amondson)

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** A business that wishes to accept credit cards from its customers must first enter into a merchant agreement with a financial institution. Credit card factoring occurs when a business that has a merchant agreement (the factor) processes the credit card transactions of a second business that has been unable or unwilling to obtain its own merchant agreement. In return, the second business pays a fee to the factor, which often is based on a percentage of the credit sales processed.

It has been reported that certain disreputable operators use factoring in connection with schemes to defraud or deceive consumers. These deceptive transactions can produce significant losses to consumers who do not receive bargained-for products or services, and to financial institutions who must reimburse injured consumers.

It has been suggested that criminalizing factoring used to facilitate unfair or deceptive trade practices would help to reduce the operations of disreputable businesses in this state.

**Summary:** Unlawful factoring of credit card transactions is established as a class C felony.

A person commits the crime of unlawful factoring if, with intent to defraud a cardholder, credit card issuer or financial institution, he or she causes any such person or persons to suffer monetary damages that in the aggregate exceed \$1,000, by (a) processing the credit card transactions of another, (b) causing a person to process the credit card transactions of another, or (c) causing a person to become a merchant for the purpose of processing the credit card transactions of another.

### Votes on Final Passage:

Senate 47 0  
House 98 0 (House amended)  
Senate (Senate refused to concur)

### Conference Committee

House 96 0  
Senate 43 0

Effective: July 25, 1993

## SSB 5717

### PARTIAL VETO

C 22 L 93 E1

Adopting the capital budget.

By Senate Committee on Ways & Means (originally sponsored by Senators Rinehart, Bluechel and Snyder; by request of Office of Financial Management)

Senate Committee on Ways & Means  
House Committee on Capital Budget

**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:** New appropriations backed by general fund indebtedness under the statutory debt limit are \$935,493,000. The deletion of \$33,000,000 in reappropriations results in a net increase in project authorization of \$902,000,000. No appropriations are made from general fund backed reimbursable bond sources. Additional appropriations of \$784,755,000 are made from cash accounts and funds supported by other bonds.

**Appropriation:** \$1,720,284,324

### Votes on Final Passage:

Senate 38 11  
House 61 37 (House amended)

### First Special Session

Senate 36 9  
House 54 38 (House amended)  
Senate (Senate refused to concur)

### Conference Committee

House 58 40  
Senate 34 14

Effective: May 28, 1993

**Partial Veto Summary:** The veto of Section 469(6)(b) eliminates the proviso which excludes funding for the acquisition of sharptailed grouse habitat in the Washington Wildlife and Recreation Program. The effect of the veto is to allow acquisition to occur as programmed.

In Section 1023 the enabling legislation for the Puget Sound Water Quality Authority has been amended by removing the requirement that the Authority be housed with the Department of Ecology. The effect of the veto of this section is to retain the colocation requirement.

## VETO MESSAGE ON SSB 5717

May 28, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 469(6)(b) and 1023 of Substitute Senate Bill No. 5717, entitled:

"AN ACT Relating to the capital budget;"

My reasons for vetoing these sections are as follows:

Section 469(6)(b), page 79, Washington Wildlife and Recreation Program (Interagency Committee for Outdoor Recreation)

Section 469(6)(b) removes a specific project acquiring habitat for the sharp-tailed grouse from the Washington Wildlife and Recreation Program's approved project list for 1993-95. Acquisition and preservation of habitat for this species is critical as increasing agricultural development is threatening critical habitat and breeding grounds. Too, this project has already received careful scrutiny by the Interagency Committee for Outdoor Recreation during the project evaluation phase. For this reason, I am vetoing subsection (6)(b) of section 469 and allowing this valuable project to move forward as planned.

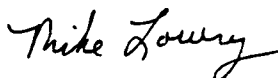
Section 1023, page 176, Puget Sound Water Quality Authority

Section 1023 amends the enabling legislation for the Puget Sound Water Quality Authority by removing the requirement that the Authority be housed with the Department of Ecology in Lacey. The state has been actively pursuing opportunities for collocation in agency housing, particularly in those situations where agency missions are compatible. In order to ensure better coordination of the implementation of the Puget Sound Water Quality Authority Management Plan, it makes sense to consider collocation of the PSWQA and the Department of Ecology. Therefore, I am vetoing Section 1023.

For the reasons stated above, I have vetoed sections 469(6)(b) and 1023 of Substitute Senate Bill No. 5717.

With the exceptions of sections 469(6)(b) and 1023, Substitute Senate Bill No. 5717 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

2ESB 5719

C 12 L 93 E1

Authorizing general obligation bonds for costs incidental to the 1993-95 biennium.

By Senators Rinehart, Bluechel and Snyder; by request of Office of Financial Management

Senate Committee on Ways & Means  
House Committee on Capital Budget

**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 the House of Representatives and the Senate.

**Summary:** The State Finance Committee is authorized to issue \$926,737,000 in state general obligation bonds to finance new construction and other state projects contained in the 1993-95 capital budget.

Of this total, \$903,000,000 is deposited into the state building construction account and \$1,500,000 into the Fruit Commission facility account.

The Fruit Commission facility account is created and all principal and interest on bonds issued for the account will be paid from the Fruit Commission's operating fund. The bonds for the Fruit Commission can be sold only after the Office of Financial Management has certified that the commission has adequate revenues to pay the debt service on the bonds and has approved the plans for the facility.

**Votes on Final Passage:**

Senate	38	11	
House	62	36	(House amended)

**First Special Session**

Senate	34	14
House	61	37

**Effective:** August 5, 1993

ESB 5720

C 437 L 93

Repealing the natural resources conservation areas stewardship account endowment.

By Senator Rinehart; by request of Office of Financial Management

Senate Committee on Ways & Means  
House Committee on Appropriations

**Background:** In 1987 the Legislature instituted a temporary real estate excise tax surcharge for the purpose of acquiring Natural Resource Conservation Areas (NRCAs). At the same time, the natural resource conservation areas stewardship account was created for the purpose of funding the management of NRCAs. Funds for management purposes were to be derived from appropriations of state general funds, income derived from the management of NRCAs and gifts and donations.

The real estate excise tax surcharge provided approximately \$10 million for land purchases prior to expiration of the surcharge in 1989. An additional \$2 million of revenue provided by the surcharge was deposited into the natural resource conservation area stewardship account as an endowment for future management of the NRCAs.

The endowment was created in 1991 and expenditure of the corpus of the endowment was prohibited. Interest earnings on the \$2 million, and any subsequent additions to the corpus by the Legislature, were statutorily restricted to expenditure for management of Natural Resources Con-

## SB 5723

ervation Areas, Natural Area Preserves and for the operation of the Natural Heritage Program administered by the Department of Natural Resources.

The interest earnings provisions of the endowment were subsequently overridden and the State Treasurer directed to deposit the interest earnings of the account into the general fund.

**Summary:** The endowment provisions are repealed allowing the corpus of the fund to be appropriated.

### Votes on Final Passage:

Senate	48	0	
House	66	28	(House amended)
Senate	28	19	(Senate concurred)

**Effective:** July 25, 1993

## SB 5723

C 272 L 93

Providing for revenue collection for the department of social and health services.

By Senator Rinehart

Senate Committee on Ways & Means

**Background:** People with mental illness, their estates, and their responsible relatives are liable for the cost of care in a state mental hospital. The state can only secure a debt for such care through civil action in superior court.

Many insurance carriers require prior authorization before payment for psychiatric hospitalization. It is often not feasible to obtain such prior authorization when a person is involuntarily hospitalized as a danger to himself or herself or others. Consequently, the state, rather than the private insurer, becomes responsible for the cost of the hospitalization.

When a Medicaid recipient over the age of 65 dies without a surviving spouse or dependent child, federal and state law allow the state to recover the cost of Medicaid care from the recipient's estate. If there are surviving adult children, the first \$50,000 of the estate and 65 percent of the remainder is exempt from recovery. Under these existing rules, the Department of Social and Health Services (DSHS) collects about \$1 million per year from the estates of elderly Medicaid recipients, primarily nursing home residents.

**Summary:** DSHS may recover from private parties the costs of mental health and long-term care by filing a lien to secure a debt for state hospital care without obtaining a superior court order. Insurance carriers, health care services contractors, and health maintenance organizations are required to waive preauthorizations in the case of involuntary commitments to state mental hospitals. When an elderly Medicaid recipient dies without a surviving spouse or dependent child, the first \$50,000 of his or her estate and 65 percent of the balance is no longer exempt from recovery.

ery. Family heirlooms and personal effects are exempt from estate recovery, not to exceed a total value of \$2,000.

### Votes on Final Passage:

Senate	47	1	
House	49	46	(Failed)
House	51	43	(House amended/reconsidered)
Senate	45	0	(Senate concurred)

**Effective:** July 25, 1993

## ESSB 5724

### PARTIAL VETO

C 13 L 93 E1

Modifying nursing home auditing and reimbursement.

By Senate Committee on Ways & Means (originally sponsored by Senator Rinehart; by request of Department of Social and Health Services)

Senate Committee on Ways & Means

**Background:** There are approximately 300 nursing homes in Washington, with a total of about 30,000 beds, of which about 90 percent are occupied on any given day. Of the occupied beds, about 5 percent are reimbursed by Medicare, about 28 percent are reimbursed on a private-pay basis, and the remaining two-thirds are paid through the state/federal Medicaid program. At the current services level, Medicaid nursing home expenditures will total \$1 billion in 1993-95, a \$180 million increase from the 1991-93 biennium. Of this total increase, about \$30 million is due to increased nursing home caseloads, and the remaining \$150 million is due to increased payment rates.

Nursing home payment rates are re-set at the beginning of each state fiscal year, according to a complex set of rules defined in state law. A nursing home's Medicaid rate is its actual allowable costs for the previous calendar year, adjusted for inflation. A facility's actual costs are subject to a number of lids and limitations regarding the types and amount of costs eligible for reimbursement, and allowable growth from one year to the next.

Governor Lowry's budget, the Senate budget, and the House budget all proposed changes in the method used to calculate nursing home rates. Under those changes, nursing home payment rates would have increased by about \$115 million in 1993-95, rather than by \$150 million as under current law. During 1993-95, nursing home rates would have increased an average of 6.8 percent each year, rather than the 8.5 percent per year projected in the legislative ERL budget.

**Summary:** Nursing home payment rates are increased by an estimated \$132 million in 1993-95. This reduced rate of increase is due to nine primary changes made in the reimbursement system:

(1) There is a full-scale rate recalculation every two years.

In the second year of the biennium, a facility's rate is its

first year rate, inflated by a national measure of nursing home inflation.

- (2) Urban and rural facilities are separated into two "peer groups" for purposes of establishing cost lids.
- (3) Nursing services costs are capped at the median for each peer group, plus 25 percent. The state no longer reimburses a facility for nursing costs which are more than 25 percent higher than the middle facility in its peer group, when all facilities are ranked according to costs. However, no facility will receive a nursing services rate which is lower than its June 30, 1993 rate, adjusted for inflation.
- (4) Food costs are capped at the median for each peer group, plus 25 percent.
- (5) Administrative costs are capped at the median for each peer group, plus 10 percent.
- (6) Other operating costs are separated from administrative costs for capping purposes, and capped at the peer group median plus 25 percent.
- (7) There continues to be a 1-4 percent variable "efficiency incentive" to reward lower costs homes. However, nursing services costs no longer are excluded from the efficiency calculation.
- (8) The state may no longer recapture the depreciation it paid on a facility when the facility is sold at a profit.
- (9) There is to be a prospective rate increase not exceeding \$50,000 annually for nursing homes which meet a number of specific criteria.

The Legislative Budget Committee is to study and report on the adequacy of the reimbursement system by November 15, 1994.

**Votes on Final Passage:**

First Special Session

Senate	26	20	
House	57	41	(House amended)
Senate	26	22	(Senate concurred)

Effective: July 1, 1993

**Partial Veto Summary:** A provision is vetoed which would have required special payments of up to \$50,000 annually to nursing homes which meet a number of specific criteria regarding rural location and debt structure.

**VETO MESSAGE ON ESSB 5724**

May 28, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 20, Engrossed Substitute Senate Bill No. 5724, entitled:

"AN ACT Relating to nursing home auditing and reimbursement;"

Section 20 of Engrossed Substitute Senate Bill No. 5724 directs the Department of Social and Health Services to provide a prospective rate enhancement of \$50,000 per year to all nursing homes meeting four specific criteria.

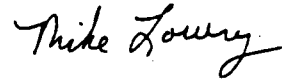
Because this rate enhancement will be included in the reimbursement statute, it will become part of the state plan which

must be submitted to the federal government. Since it has never been a part of the nursing home rate-setting mechanism, the enhancement jeopardizes federal matching funds and will ultimately be disallowed.

Additionally, I believe Washington's nursing home reimbursement system adequately reimburses facilities for their allowable expenses, and this rate enhancement creates an inequitable situation.

With the exception of section 20, Engrossed Substitute Senate Bill No. 5724 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

**SSB 5727**

C 149 L 93

Financing school district health services.

By Senate Committee on Ways & Means (originally sponsored by Senator Rinehart; by request of Office of Financial Management)

Senate Committee on Ways & Means

**Background:** The 1989 Legislature established a process to obtain Medicaid reimbursement for covered services provided by schools to handicapped children. The purpose of the legislation was to use state dollars as matching funds for Medicaid funds, thereby increasing the overall level of resources available to school districts. School districts were allowed to retain 100 percent of the federal Medicaid funds.

The billing system for school districts to receive Medicaid payments was started in 1990 as a pilot program through the Vancouver Educational Service District (ESD). Currently 59 districts are participating through the Vancouver ESD, and an additional number of districts are either serving as their own billing agents or have hired a private contractor.

The 1993-95 budgets of Governors Gardner and Lowry proposed expansion of the program to include all the school districts of the state, and assumed that \$14.4 million could be shifted from current state funded special education medical services to federal and private insurance funding.

**Summary:** The Superintendent of Public Instruction must establish a competitive bidding process for a contract to act as the state's billing agent for medical services provided through special education programs.

School districts may act as their own billing agent and retain the fees that would have been charged by the state billing agent.

The agency awarded the contract is required to perform various tasks including: enrolling all school districts; developing a statewide billing system; training school health



## ESB 5729

care practitioners in Medicaid and insurer billing; providing ongoing technical assistance; and processing Medicaid and private insurer claims.

The Department of Social and Health Services must establish a reimbursement system based on the costs of providing the services.

To verify Medicaid eligibility, educational service districts are required to participate in the billing program and provide the billing agency with lists of students enrolled in special education programs.

As incentive payments, school districts may retain 20 percent of the federal portion of Medicaid payments and payments made by private insurers. School districts which entered into a contract with a private firm prior to the effective date of this act may continue to receive reimbursement under those contracts, but may only retain 20 percent of the funds.

The Superintendent of Public Instruction must submit an annual report to the Legislature regarding school district participation in the billing program. The Superintendent may require a letter of explanation from any school district whose receipts under the program in the judgment of the Superintendent indicate nonparticipation or underparticipation.

### Votes on Final Passage:

Senate	48	0
House	84	10

Effective: April 30, 1993

September 1, 1993 (Section 11)

## ESB 5729

C 63 L 93

Changing the family emergency assistance program.

By Senator Rinehart

Senate Committee on Health & Human Services  
House Committee on Human Services  
House Committee on Appropriations

**Background:** The Department of Social and Health Services (DSHS) emergency assistance program provides food, shelter, clothing, medical care, and other necessary items to needy persons. The eligibility and resource standards for emergency assistance are stricter than the standards for Aid to Families with Dependent Children (AFDC). The state receives federal Title IV-A matching funds for the emergency assistance program.

The department presently provides many other emergency services to the public. If the department added these other services to the emergency assistance program, the state would receive additional Title IV-A matching funds.

The family preservation services statute provides that matching federal funds shall supplement and not supplant state funds for the program.

**Summary:** DSHS may provide emergency assistance in the form of family reconciliation services, family preservation services, home-based services, short-term substitute care, crisis nurseries, therapeutic child care, or other necessary services.

A person is eligible for emergency assistance if his or her income is at, or less than, 100 percent of the federal poverty level. When determining eligibility for emergency assistance, the department may consider the applicant's other resources.

### Votes on Final Passage:

Senate	49	0
House	98	0

Effective: July 25, 1993

## SSB 5736

PARTIAL VETO

C 515 L 93

Regulating chiropractic care for industrial insurance.

By Senate Committee on Labor & Commerce (originally sponsored by Senators Moore, Pelz and Fraser)

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

**Background:** Under the industrial insurance law, an injured worker is entitled to proper and necessary medical care from a physician of the worker's choice. The Department of Labor and Industries' administrative rules define physician as a person licensed to practice medicine or osteopathic medicine. The rules also define doctor to include persons licensed to practice medicine, osteopathic medicine, chiropractic, drugless therapeutics, podiatry, dentistry, and optometry. Doctors are authorized to sign accident report forms for injured workers and temporary disability authorization forms. Only physicians licensed to practice medicine may examine injured workers to determine the extent of a worker's permanent impairment.

Within the health and rehabilitation services section of the department's industrial insurance division is an office of the medical director. The department has established several provider advisory committees, including a chiropractic advisory committee to advise the department on such issues as standards for effective and accepted chiropractic treatment for use by attending chiropractors and consultants, standards and minimum credentials for consultant reviews, and reviews of the performance of individual chiropractors.

**Summary:** Chiropractic care must be available to injured workers under the industrial insurance system. The care given must be within the scope of practice for chiropractic care.

The Director of the Department of Labor and Industries is required to appoint an associate medical director for

chiropractic treatment who is eligible to be licensed under Washington law.

The department may develop treatment and utilization standards for chiropractic treatment in consultation with the chiropractic profession, but the standards may not require termination of treatment based solely on the number of treatments. Within the scope of practice, chiropractors may conduct examinations to determine the rating of permanent disabilities in consultation with medical doctors, or if the department requests, these examinations may be by a single chiropractor. Chiropractors are expressly made subject to the department's fee schedule and provider audit authority. A worker may be required to submit to a chiropractic examination to assist the department in evaluating the need for chiropractic care or claim closure.

**Votes on Final Passage:**

Senate	38	4	
House	96	2	(House amended)
Senate	38	8	(Senate concurred)

**Effective:** July 25, 1993

**Partial Veto Summary:** The position of associate medical director for chiropractic in the Department of Labor and Industries is eliminated. The section prohibiting the termination of chiropractic treatment of injured workers based solely on the number of treatments is vetoed.

**VETO MESSAGE ON SSB 5736**

May 18, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval of sections 2 and 3, Substitute Senate Bill No. 5736 entitled:

"AN ACT Relating to chiropractic care for industrial insurance;"

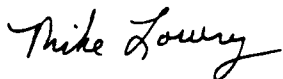
Section 2 of Substitute Senate Bill No. 5736 would create the position of associate medical director for chiropractic in state statute. It is my understanding that the Department of Labor and Industries has funding for such a position and intends to hire a qualified candidate. No position other than the Director of the Department of Labor and Industries is currently specified in statute. This requirement appears to be overly prescriptive and limits the discretion of the agency's director.

Section 3 would prohibit the termination of treatment based solely on the number of treatments. This provision is not consistent with the direction in which our state is moving with regard to health care reform.

For these reasons, I have vetoed sections 2 and 3, of Substitute Senate Bill No. 5736.

With the exception of sections 2 and 3, Substitute Senate Bill No. 5736 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

**SSB 5744**

C 126 L 93

Changing provisions concerning streets that are part of the state highway system.

By Senate Committee on Transportation (originally sponsored by Senators Haugen, Loveland, Vognild, Winsley and M. Rasmussen)

Senate Committee on Transportation  
House Committee on Transportation

**Background:** Certain city streets are designated as part of the state highway system. The jurisdiction and control of these streets is defined in statute. The statute provides that in cities or towns with a population of 15,000 or less, the Department of Transportation is responsible for: (1) maintaining the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway; and (2) operating, maintaining and controlling traffic signals, signs and control devices for motor vehicle traffic and pedestrians on state highways.

If a city or town has a population greater than 15,000 after January, 1990, the state only retains these responsibilities until June 30, 1993, when the responsibilities for maintenance shift to the city or town.

In 1991 a task force was created to study the maintenance responsibilities of cities and towns and to reexamine the population threshold. The task force has recommended that the population threshold be raised to 20,000.

**Summary:** The population threshold at which cities and towns must assume additional responsibility for their streets that are part of the highway system is raised to 22,500.

Once a city or town is determined to have exceeded the threshold, the transfer of maintenance responsibilities takes effect three years from the date of the determination. During this time, cities and towns may plan for additional staffing, budgetary and equipment requirements.

**Votes on Final Passage:**

Senate	45	0
House	79	19

**Effective:** July 25, 1993

**ESB 5745**

C 485 L 93

Creating the PNWER-Net working group.

By Senators Bluechel, Bauer, Skratek, Cantu, Erwin, M. Rasmussen and Sheldon

Senate Committee on Higher Education  
House Committee on Energy & Utilities  
House Committee on Appropriations

**SSB 5751**

**Background:** In 1991 the Legislature enacted the Pacific Northwest Economic Region agreement which made this state a member along with Oregon, Alaska, Idaho, and Montana, and the provinces of Alberta and British Columbia. In entering into this agreement, the Legislature also encouraged the establishment of cooperative activities between the member states and provinces. The member states and provinces now propose to cooperate in electronically sharing 22 million volumes from the libraries of their major universities. The member states and provinces have determined that interlibrary sharing will provide substantial economic and educational benefits.

**Summary:** The Pacific Northwest Economic Region-Net (PNWER-Net) is defined as the technology network to be created by the member states and provinces of the Pacific Northwest Economic Region that will be capable of electronically linking certain undergraduate university libraries of the members. The libraries of the University of Washington (UW) and Washington State University (WSU) are designated as the libraries from this state which will be a part of PNWER-Net.

The PNWER-Net working subgroup is created for the member state of Washington. It is composed of seven members, two from the Senate, two from the House of Representatives, the State Librarian, and the primary academic librarian from each of the state's research universities (UW and WSU).

The PNWER-Net subgroup is directed to work with subgroups from other member states and provinces to develop the library network and to assist in developing criteria to ensure that member libraries use existing telecommunications infrastructure including the internet. The subgroup is to report to the Legislature by December 1, 1994 concerning the status of PNWER-Net.

The PNWER-Net working group may accept gifts, grants and donations from private sources for the purposes of developing the system.

**Votes on Final Passage:**

Senate	45	0	
House	94	0	(House amended)
Senate			(Senate refused to concur)

**Conference Committee**

House	96	0
Senate	42	2

**Effective:** July 25, 1993

**SSB 5751**

C 284 L 93

Authorizing rural partial-county library districts.

By Senate Committee on Government Operations (originally sponsored by Senators Haugen and Spanel)

Senate Committee on Government Operations  
House Committee on Local Government

**Background:** Local public library services may be provided by: city, town or county libraries; rural library districts established in the unincorporated territory of a county; regional libraries operated by several counties or other governmental units under a joint contract; inter-county rural library districts operating throughout several counties; and island library districts in the unincorporated area of a single island in a county consisting entirely of islands and having a population of less than 25,000 at the time the district is established.

Cities or towns may be annexed into rural library districts, intercounty rural library districts or island library districts.

**Summary:** Rural partial-county library districts may be created if a rural county library district, intercounty library district or island library district has not been created in the county. The process is initiated by the petition of at least 10 percent of the registered voters residing in the area proposed to be included in the district. The proposed district must have an assessed valuation of at least \$50 million. The county legislative authority may adjust the proposed boundaries and, if they believe that the creation of the district is in the public interest, cause the question to be placed on the ballot.

A partial-county library district may annex adjacent unincorporated territory and may annex a town or city with a population of 100,000 or less. If a rural county library district is established in the same county, the partial-county library district is dissolved and its assets and liabilities transferred to the rural library district.

Rural partial-county library districts may not consolidate with other districts without the approval of the other districts' boards.

Partial-county library districts may impose special levies with 60 percent voter approval.

**Votes on Final Passage:**

Senate	44	0	
House	97	0	(House amended)
Senate	41	0	(Senate concurred)

**Effective:** July 25, 1993

**SSB 5753**

C 14 L 93 E1

Creating a new judgeship for Cowlitz County.

By Senate Committee on Ways & Means (originally sponsored by Senators Snyder and L. Smith)

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

**Background:** Cowlitz County currently has three superior court judges. The third judge was added in 1981. Cowlitz County has experienced growth in the number of cases

filed and tried in superior court. The county does employ a part-time commissioner.

The Washington State Administrator for the Courts has estimated that Cowlitz County needs 3.9 superior court judges to handle the current case load.

The Washington State Constitution provides that the state and counties split the salary expense for superior court judges.

**Summary:** An additional superior court judge is authorized in Cowlitz County, increasing the number of superior court judges in Cowlitz County from three to four.

The additional superior court judge becomes effective only if Cowlitz County authorizes the payment of the county's expenses associated with the new position.

**Votes on Final Passage:**

Senate 47 0

**First Special Session**

Senate 43 0

House 97 0

**Effective:** August 5, 1993

### SB 5759

C 362 L 93

Extending the involuntary treatment act to cover the commitment of chemically dependent adults.

By Senators McAuliffe, Prentice, Skratek, Loveland, von Reichbauer, Haugen, Prince, McDonald, Drew, Owen, Moyer, Erwin, Winsley, Anderson and M. Rasmussen

Senate Committee on Health & Human Services

House Committee on Human Services

**Background:** Adults incapacitated by alcohol and minors incapacitated by alcohol or other drug addictions may be involuntarily committed to treatment if the superior court finds the grounds for involuntary commitment have been met. Adults incapacitated by addiction to drugs other than alcohol are not currently subject to an involuntary commitment process.

**Summary:** Adults incapacitated by drugs other than alcohol are subject to the involuntary commitment process used currently for adults incapacitated by alcohol.

**Votes on Final Passage:**

Senate 47 1

House 92 0

**Effective:** July 25, 1993

### ESB 5768

C 206 L 93

Providing for inspection services at an emergency scene upon the request of a public official.

By Senators Haugen, Oke, Loveland, Nelson, Owen, Cantu and Moyer

Senate Committee on Law & Justice

House Committee on State Government

**Background:** It has been reported that during the aftermaths of earthquakes, architects and engineers have assisted governmental authorities by inspecting damaged structures free of charge. Although Washington law grants limited immunity to certain emergency workers, such protection arguably does not extend to all "good samaritan" architects and engineers.

It has been suggested that architects and engineers who perform inspections during times of emergency should be protected against civil liability, except where their acts or omissions constitute gross negligence or willful misconduct. Such immunity, it is argued, would encourage design professionals to volunteer their services.

**Summary:** Washington's emergency management laws are amended to provide that registered architects and professional engineers can serve as "emergency workers" and in some cases may be shielded from civil liability for all damages that arise in connection with their emergency service.

**Votes on Final Passage:**

Senate 49 0

House 94 0 (House amended)

Senate 42 0 (Senate concurred)

**Effective:** July 25, 1993

### ESSB 5778

C 112 L 93

Creating a joint underwriting association for midwives.

By Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice, Hargrove, Jesernig, Prince, Wojahn, Haugen, Franklin, Spanel, Fraser, Barr, Amondson, McAuliffe, Moore, Moyer, Hochstatter and Pelz)

Senate Committee on Labor & Commerce

House Committee on Financial Institutions & Insurance

**Background:** A joint underwriting association is a program designed to make insurance available for those unable to obtain insurance from normal markets.

An association is typically designed so that a lead insurer issues, administers, and handles claims arising under the policy. At the end of a certain accounting period, all

## E2SSB 5781

members of the association share the losses from policies written through the association.

Concerns have been raised about the availability of medical malpractice insurance coverage for certified nurse midwives and licensed midwives in this state who practice outside of a hospital setting.

**Summary:** All insurers authorized to write medical malpractice and general casualty insurance policies in this state are required to become members of the nonprofit joint underwriting association to provide medical malpractice insurance for certified nurse midwives, licensed midwives or licensed birth centers.

The association must offer a policy with liability limits of \$1 million per individual and \$3 million per occurrence. Coverage may not exclude midwives engaged in home birth or birth center deliveries.

The Insurance Commissioner may select an insurer to administer the plan.

A risk management program for those insured through the association is established. This program must, at a minimum, include: investigation and analysis of adverse or untoward outcomes; development of measures to control injuries; a reporting system for incidents that occur; investigation and analysis of patient complaints; education of association members to improve quality of care.

The Insurance Commissioner must file a report to the Legislature by December 1, 1996 regarding the operations of the association.

### Votes on Final Passage:

Senate 47 0

House 77 21

Effective: July 25, 1993

## E2SSB 5781

C 15 L 93 E1

Improving access to public institutions of higher education.

By Senate Committee on Ways & Means (originally sponsored by Senators Jesernig, Bauer, Moyer, Pelz, Bluechel, Spanel, Hargrove, Drew, von Reichbauer, Snyder, Sheldon, Loveland, McDonald, Erwin, M. Rasmussen, Barr, Prentice, Sutherland, McAuliffe, West, Oke, Amondson, Haugen, Franklin, Sellar, Hochstatter, Fraser, Deccio, A. Smith and Winsley)

Senate Committee on Higher Education

Senate Committee on Ways & Means

House Committee on Higher Education

House Committee on Appropriations

**Background:** Over the past ten years enrollment limitations have restricted postsecondary education opportunities for this state's citizens. During this period the proportion of the state budget dedicated to higher education has contin-

ued to decrease and, subsequently, the opportunity for citizens to participate in these programs has also declined.

Recent major technological, economic and demographic changes have exacerbated the need for improved training and education to maintain a high-quality, competitive work force, and a well-educated populace. Modest and inconsistent increases in the budgetary enrollment limitations have been insufficient to keep pace with the growth in the state population and, as a result, the state participation rate in higher education programs has dropped dramatically. In 1981 Washington was seventh in the nation in higher education participation; by 1990 this ranking had fallen to 29th.

The Higher Education Coordinating Board has adopted the goal of reaching the 90th percentile in national participation rates by the year 2010. It is argued that the state needs to establish a statutory higher education policy to ensure the accomplishment of this goal and establish a significant budgetary commitment to the postsecondary educational system.

**Summary:** The essential requirements level budget calculation for institutions of higher education will include enrollment levels necessary to maintain, by educational sector, the participation rate funded in the 1993 fiscal year. For any new enrollments necessary to maintain this participation rate, the essential requirements level budget calculation will, at a minimum, include a funding level per full-time equivalent student that is equal to the rate assumed in the state budget for the last fiscal year of the previous biennium plus an inflation factor. The inflation factor should be equivalent to the inflation factor used to calculate basic education in the common school system budget request submitted by the Governor.

The essential requirements level budget calculation for state institutions of higher education will include a funding level per full-time equivalent student (for the base level of enrollment established in the previous biennium) that is, at a minimum, equal to the rate per student assumed in the state budget for the last fiscal year of the previous biennium, plus an inflation factor. The inflation factor should be equivalent to the inflation factor used to calculate basic education in the common school system budget request submitted by the Governor.

It is the policy of the state of Washington that higher education enrollments must be increased in increments each biennium in order to achieve, by the year 2010, the goals, by educational sector, adopted by the Higher Education Coordinating Board in its enrollment plan entitled "Design for the 21st Century: Expanding Higher Education Opportunities in Washington." Per student costs for additional students to achieve the goals will be at the same rate as established for new enrollments which are necessary to maintain the 1993 participation rates.

Budget documents generated by the Governor and the Legislature in the development and consideration of the state budget will display an enrollment target level for each

public college or university, and for the state system of community and technical colleges. The enrollment target level is the biennial state-funded enrollment increase necessary to fulfill the enrollment goals set forth in the Higher Education Coordinating Board's enrollment plan. The budget documents shall compare the enrollment target level with the state-funded enrollment increases contained in the biennial budget proposals of the Governor and each house of the Legislature. The information is to be presented in the budget documents so that enrollment and cost information and the enrollment goals are prominently displayed and easily understood.

Formal estimates of the state participation rates and enrollment levels necessary to meet these enrollment policies will be determined by the Office of Financial Management. The estimates will be based on procedures and standards established by a technical work group consisting of staff from the Higher Education Coordinating Board, the public four-year institutions of higher education, the State Board for Community and Technical Colleges, the fiscal and higher education committees of the House and Senate, and the Office of Financial Management. Formal estimates will be submitted to the House and Senate on or before November 15 of each even-numbered year. The Higher Education Coordinating Board is to periodically review the enrollment goals and submit recommendations concerning modification of these goals to the Governor and Legislature.

The essential requirements level budget calculation will include funding for state student financial aid programs. The calculation should, at a minimum, include a funding level equal to the amount provided in the last year of the previous biennium in the state budget, adjusted for the percentage of needy resident students, by educational sector, likely to be included in any enrollment increases necessary to maintain the participation rate funded in the 1993 fiscal year. The calculation should also be adjusted to reflect any increases in the cost of attendance. The cost of attendance figures will be calculated by the Higher Education Coordinating Board and provided to the Office of Financial Management and appropriate legislative committees by June 30 of each even-numbered year.

Contemporary contracting enrollment limitations upon the community and technical college system are repealed.

**Votes on Final Passage:**

Senate	43	5	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House	96	0	(House amended)

**First Special Session**

Senate	38	2
House	97	0

Effective: July 1, 1993

**SB 5791**

C 207 L 93

Changing child support provisions.

By Senators A. Smith and Rinehart; by request of Attorney General

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** In order to receive federal funding for child support programs, the state must comply with federal program requirements. In 1992, two amendments were made to federal regulations: (1) support orders must include a provision requiring obligor parents to keep the state Office of Support Enforcement informed of their current employer and whether they have access to health insurance; and (2) specific written findings must be entered if immediate wage withholding is not ordered.

**Summary:** In child support cases that require payments be made to the Washington State Support Registry, the support order must state that the responsible party is required to notify the registry of the name and address of his or her current employer, whether he or she has access to health insurance coverage at reasonable cost, and if so, the health insurance policy information.

If a court finds good cause not to require immediate income withholding, there must be a written determination of why this would not be in the child's best interests. In modification of support cases, there must also be proof of timely payment of previously ordered child support.

**Votes on Final Passage:**

Senate	48	0
House	96	0

Effective: July 25, 1993

**SB 5799**

C 486 L 93

Providing address designations on subdivision approvals for improved utility placements.

By Senators Nelson and Sutherland

Senate Committee on Energy & Utilities  
House Committee on Local Government

**Background:** A short plat is a map or representation of a short subdivision. A short subdivision is the division of land into four or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or transfer of ownership. A subdivision, in contrast, is the division of land into five or more lots, tracts, parcels, or sites for the purpose of sale, lease or transfer of ownership.

The legislative authority of a city, town, or county is authorized to adopt regulations and procedures for the approval of short plats and short subdivisions. Existing regu-



## SSB 5802

lations and procedures governing the approval of short plats, short subdivisions, and subdivisions do not include requirements for a lot numbering system and a house address system.

It is suggested that requiring lot numbers and house addresses on short plats, short subdivisions, and subdivisions as a condition of approval would aid emergency medical services personnel in locating homes under construction.

**Summary:** Cities, towns, and counties are directed to provide a lot numbering system and a house address system for subdivisions and short subdivisions. The systems must be clearly shown on the final or short plat at the time the plat is approved by the city, town, or county.

### Votes on Final Passage:

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

**Effective:** July 25, 1993

## SSB 5802

C 23 L 93

Regarding state environmental policy act documents.

By Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Barr and Drew)

Senate Committee on Ecology & Parks  
House Committee on Environmental Affairs

**Background:** The State Environmental Policy Act (SEPA) requires the preparation of an environmental impact statement (EIS) for governmental agency actions or approvals of actions that may have a significant adverse impact on the environment. The Department of Ecology is directed by SEPA to adopt rules providing guidance for the preparation of such statements and other SEPA compliance documents.

The rules adopted by the department authorize the use of existing SEPA documents prepared for nonproject proposals or other actions that may assist in the analysis of the probable impacts of another project or proposal. The rules specify the circumstances in which such adoption or incorporation by reference may occur, and include other procedures such as the preparation of a supplemental EIS or an addendum.

**Summary:** Lead agencies are authorized to use existing documents in SEPA analysis if the documents adequately address the environmental considerations provided in SEPA. The prior proposal and the new proposal must have similar elements that provide a basis for comparing environmental consequences, and the lead agency must determine that the information and analysis to be used is relevant and adequate. The lead agency may require additional documentation to ensure adequate analysis.

### Votes on Final Passage:

Senate	48	0
House	96	0

**Effective:** July 25, 1993

## ESSB 5815

C 487 L 93

Concerning seizure and forfeiture.

By Senate Committee on Law & Justice (originally sponsored by Senators West and Moyer)

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** Under the state's Uniform Controlled Substances Act, illegal drugs, and any real or personal property associated with the production, delivery, importation, or exportation of illegal drugs, are generally subject to seizure and forfeiture by law enforcement authorities. Forfeiture is a civil procedure that does not require arrest, charging, or conviction of a person for a criminal offense. Property may not be forfeited if the owner did not know of or consent to the act that is the basis for the seizure and forfeiture action. Likewise, the interest of an innocent secured party cannot be forfeited.

A person whose personal or real property is seized by a law enforcement agency is afforded the opportunity at a hearing to make a claim of ownership or right to possession. The person must notify the seizing law enforcement agency in writing within 45 days of the seizure in the case of personal property, and 90 days in the case of real property. The hearing is before the chief law enforcement officer of the seizing agency or his or her designee. If the seizing agency is a state agency, the hearing is before the chief law enforcement officer of the seizing agency or an administrative law judge.

Any person asserting a claim or right to the property may remove the case to a court of competent jurisdiction if the total value of the seized items is more than \$500. However, there are no express provisions in the current law for the procedures to be used in removing the case to a court.

The crime of driving while intoxicated (DWI) is a gross misdemeanor with a maximum penalty of one year in jail and a \$2,000 fine. Mandatory minimum criminal penalties plus alcohol assessment, schooling or treatment requirements, and the loss of driving privileges also apply. These penalties escalate with successive convictions.

For a first conviction, the mandatory minimum penalty is one day in jail and a \$250 fine. For a second conviction within five years, the mandatory minimum is seven days in jail and a \$500 fine, except that if at the time of the second offense, the driver was without a license because of a previous offense, the minimum penalty is 90 days in jail and a \$200 fine.

For a first conviction, the driver's license is suspended for 90 days or until age 19, whichever is longer. For a second conviction within five years, the license is revoked for one year. For a third conviction within five years, the license is revoked for two years.

**Summary:** Changes are made to the property forfeiture provisions of the state's Uniform Controlled Substances Act. A new provision is added to the state's motor vehicle code to allow for the seizure and forfeiture of vehicles driven by persons convicted of a second DWI offense.

With respect to the forfeiture of property under the drug law, explicit notice procedures are added in the case of property subject to some perfected security interests. If a security interest is perfected by a Uniform Commercial Code (UCC) filing or by a title document, notice of the seizure must be sent to the secured party at the address shown on the filing or the document. In addition, explicit procedures are imposed for the removal of a case from an administrative agency to a court. Cases involving property of any value, not just property worth more than \$500, may be removed to court.

With respect to the crime of DWI, upon a second conviction within a five-year period, the vehicle driven by the offender is subject to seizure and forfeiture.

Procedures, standards and exceptions for seizing and forfeiting vehicles are largely the same as for the seizure and forfeiture of property under the Uniform Controlled Substances Act. These provisions include the following:

Forfeitures are subject to bona fide security interests;

The seizing law enforcement agency is to give at least 15 days notice to the owner of the vehicle and anyone with a known interest in the vehicle of the impending forfeiture proceeding. Persons claiming ownership or security interests have 45 days to respond;

The forfeiture hearing is before the seizing agency, but may be removed to a court of competent jurisdiction;

The burden of proving ownership or other interest in the vehicle is on the person making the claim;

Upon forfeiture, the seizing agency may retain, trade or sell the vehicle; and

The seizing agency is to remit 10 percent of the net value of forfeited vehicles to the state public safety and education account. Net value is the appraised value minus appraisal costs, or the sale price minus sale costs and costs of satisfying any bona fide security interest.

When a person convicted for DWI within the previous five years is charged with DWI, the court is to notify the Department of Licensing (DOL). When DOL receives such a notice, it is to withhold issuance of a certificate of ownership of the vehicle that is driven by the person charged with DWI, until it receives notice of dismissal or acquittal on the charges.

It is a misdemeanor for a person to sell or otherwise transfer the ownership of a vehicle driven by a person currently charged with a second DWI. Exceptions are

made for the transfer of bona fide security interests and for the transfer of lease interests.

**Votes on Final Passage:**

Senate	41	0	
House	95	1	(House amended)
Senate			(Senate refused to concur)

**Conference Committee**

House	94	0
Senate	44	0

**Effective:** July 25, 1993

## SSB 5821

C 39 L 93

Modifying public works board loan restrictions.

By Senate Committee on Government Operations (originally sponsored by Senator Loveland; by request of Department of Community Development)

Senate Committee on Government Operations  
House Committee on Capital Budget

**Background:** In 1985, to assist local governments with a backlog of public works projects, the Legislature established the public works board which operates with the support of the Department of Community Development. The board may provide technical and financial assistance to local governments for public works planning and projects. Financial assistance is in the form of loans and guarantees from the public works assistance account.

The criteria for receiving financial assistance from the public works assistance account include the requirements that (1) proposed projects be listed and prioritized in an annual report to the legislative budget committees, and (2) the funds for the projects be appropriated by the Legislature before any project goes forward. Emergency public works projects are exempt from these two requirements, but may be funded only from an amount expressly appropriated by the Legislature for emergencies.

Loans to fund capital facilities plans must be included in the annual priority list and must be specifically appropriated.

**Summary:** Public works board loans for capital facilities plans may be made from the appropriated emergency project fund without the requirements that they be listed and prioritized in the annual report from the board to the budget committees of the Legislature or that they be specifically appropriated. The total funds used for capital facilities plans and emergency loans may not exceed 5 percent of the total amount appropriated from the public works account in any biennium.

**Votes on Final Passage:**

Senate	47	0
House	97	0

**Effective:** July 1, 1993

**SB 5828**  
C 445 L 93

Changing provisions relating to vocational education.

By Senators Bauer, Prince, Sheldon and Wojahn

Senate Committee on Higher Education  
Senate Committee on Ways & Means  
House Committee on Higher Education

**Background:** Since 1979, private vocational schools in Washington have been regulated by the Private Vocational School Act. The law has been substantially revised to ensure that students attending private vocational schools are protected against false, deceptive, misleading, or unfair practices by the schools. The act also attempts to ensure adequate quality at the schools, and that students can receive full or partial tuition refunds if they withdraw from school or if the school closes. The Workforce Training and Education Coordinating Board (WTECB) adopts and monitors the rules that enforce the act.

Money in the tuition recovery fund, established in 1987, can be used to refund tuition if a school closes. The fund may also be used to pay restitution to a student if a school is found by the board to have engaged in an unfair business practice. The maximum amount of money that can be disbursed on behalf of the students at any one school is \$200,000. When money is disbursed from the fund, the board attempts to recover from the school any money so disbursed.

The tuition recovery fund was initially capitalized at \$200,000 with provisions for the fund to increase to a \$1 million operating balance by May of 1992. Each school contributes to the fund on a pro rata basis with the total contribution due in ten equal installments over a five-year period. Any time the fund is below an operating balance of \$200,000, each school is assessed a pro rata share of the deficiency.

The WTECB's cost of administering the fund is paid from license fees collected and deposited in the general fund. Statute authorizes the agency to establish fees at a level necessary to recover the staffing cost for administering the act.

There are a number of questions about the tuition recovery fund that need to be addressed: (1) Should there be a limit on the amount of money that may be disbursed from the fund for the closing of any one school? (2) Should license fees paid by regulated schools be used exclusively for program costs or should they pay for additional state needs as well? (3) If a school engages in an unfair business practice, should the affected student be permitted to recover living expenses as well as tuition?

**Summary:** By June 30, 1998, a minimum operating balance of \$1 million will be achieved in the tuition recovery trust fund and maintained thereafter. Each licensed school will make up to 20 incremental payments.

The \$200,000 cap on liability for any school is removed. The maximum amount of liability is reestablished after each claim. The fund's liability begins on the date of the participating school's initial deposit into the fund. Deposits made into the fund are not transferable. A new owner cannot be credited with funds previously deposited. Students enrolled in a training contract between the school and an agency are not eligible to make a claim.

Complaints may be filed by a student who loses tuition or fees as a result of an unfair business practice. In response to complaints filed, the agency shall first attempt to achieve a negotiated settlement. The agency is authorized to conduct an informal hearing with affected parties. If the agency finds that the complainant has suffered loss, the agency may order the violator to pay restitution. The compensable items include tuition, course materials, and living expenses incurred during the period of time the student was enrolled. The affected institution may file an appeal within 20 days under the Administrative Procedure Act. If the agency prevails in the appeal, the appellant shall pay the costs of the administrative hearing.

Interest earned on the money in the tuition recovery trust fund will accrue to the fund rather than being placed in the state general fund.

Several technical changes are made to the Private Vocational School Act. The term "successor" is eliminated in the definition of agency. The definition of "private vocational school" is clarified. Adjustments to payment schedules will be calculated and applied annually.

**Votes on Final Passage:**

Senate	45	0	
House	94	0	(House amended)
Senate			(Senate refused to concur)
House	97	0	(House receded)

**Effective:** July 25, 1993

**SSB 5829**  
C 468 L 93

Licensing mortgage brokers and loan originators.

By Senate Committee on Labor & Commerce (originally sponsored by Senators Moore and Prince)

Senate Committee on Labor & Commerce  
House Committee on Financial Institutions & Insurance  
House Committee on Appropriations

**Background:** In 1987, the Legislature adopted the Mortgage Broker Practices Act, which established a variety of disclosure and operational requirements for mortgage brokers doing business in Washington. Prior to the receipt of payments from the borrower, a mortgage broker must make a full written disclosure of matters relating to the loan transaction. The act also contains provisions governing fees and other charges, advertising, record keeping, and uncompleted transactions. While governing the prac-

tices of mortgage brokers, the act does not require mortgage brokers to be licensed, nor does it govern the activities of mortgage bankers.

Mortgage bankers and mortgage brokers differ in two significant ways. Mortgage bankers generally provide the initial funds for a mortgage and later sell the mortgage on the secondary market. Mortgage brokers seldom loan their own money, finding a lender to extend the credit. Mortgage bankers also are more likely to retain responsibility for the servicing of the mortgage.

Interest has been expressed in establishing a licensure program for mortgage brokers along with applying some of the provisions of the act to mortgage bankers.

**Summary:** A temporary licensing program for mortgage brokers is established within the Department of Licensing. However, if a new department is created to regulate state financial institutions, all powers and duties of the Department of Licensing relating to mortgage brokers are transferred to the new department.

Effective October 31, 1993, all mortgage brokers operating in Washington must possess a mortgage broker license. In order to obtain a license, an applicant must complete a written application, pay a licensure fee, and file and maintain a surety bond or approved alternative with the department. The director is authorized to enforce all laws and rules relating to the licensure of mortgage brokers and adopt appropriate rules.

Mortgage brokers required to be licensed, certain employees of mortgage brokers, and mortgage bankers must comply with delineated unlawful practices. The prohibited acts include making false or deceptive statements and reports, engaging in unfair and deceptive conduct, and failing to comply with federal truth-in-lending requirements.

A mortgage broker is liable for violations of the act by his or her loan originators. The procedures for an aggrieved person to receive payment from the surety bond or approved alternative are specified.

The five-member mortgage brokerage commission is created to advise the director on issues concerning the industry and prepare a report containing legislation to establish an ongoing mortgage brokers' licensing program. In addition to containing recommended legislation, the report must consider other state and federal laws, the type and magnitude of complaints, and the components of a licensure program. The commission must submit its report to the appropriate legislative standing committees by December 1, 1993.

All moneys collected through license fees and fines are to be deposited into the mortgage brokers licensing account, which is created within the treasury. This dedicated account is subject to appropriation. The director is authorized to set license fees sufficient to cover, but not exceed, the costs of administering the program.

A real estate broker providing information in connection with a computer loan origination system for a fee is exempt from the mortgage broker licensing requirements.

However, the broker must comply with certain regulations and the unlawful practices section of the act.

The provisions of this act are scheduled to expire October 31, 1994, except the commission will continue to operate if an ongoing licensing program for mortgage brokers is adopted.

**Votes on Final Passage:**

Senate	45	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

**Effective:** May 17, 1993 (Sections 2-4, 9, 13, 21-23)  
September 1, 1993 (Sections 6-8, 10, 18, 19)  
October 31, 1993 (Sections 1, 5, 11, 12, 14-17, 20)

## ESB 5831

C 64 L 93

Limiting certain payments by electrical utilities to owners of residences in which the primary heat source is electric resistance space heat.

By Senators Barr, Sutherland and McCaslin

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

**Background:** In 1990 the Legislature enacted higher energy efficiency building codes for new residential construction. These codes specify required levels of housing envelope components such as insulation thickness, window efficiency, the amount of window space allowed, minimum heat pump efficiencies, and others.

Because of differences in climates throughout the state and the varying costs of heating with different fuels, four sets of codes were developed. The state was divided by county into colder and warmer divisions; each of these divisions had different requirements depending on whether the residence was heated with electricity or with another fuel.

Part of the 1990 compromise surrounding these higher energy codes was a requirement that retail electrical utilities pay for part of the added costs of the more efficient components. The payments are made to the owner of the residence at the time it was constructed. These payments were intended to be available only to residences heated with electric space heat with floor space of 2,000 square feet or less. For homes, the owner receives \$900; for each apartment unit, the owner of the building receives \$390. If a retail utility purchases at least 1 percent of its firm load from the Bonneville Power Administration (BPA), half of its costs of this program are reimbursed by BPA. Because the added measures save energy over the life of the residence, this can be considered a purchase of electrical resources by the regional electric ratepayers.

The State Building Code Council (SBCC) was required to adopt rules clarifying the details of the 1990 legislative directive. When adopting these rules, the SBCC attempted

## SB 5835

to assure that any residence potentially heated with electric heat as a secondary heat source would be built to the higher standards of a residence heated with electricity as its primary heat source. This was accomplished by setting a threshold of one watt of installed electric heating capacity per square foot of residential living space. Exceeding this threshold means a residence is classified as heated with electric space heat and must meet the higher codes.

In at least one location, residences have been constructed to the higher electric code but with natural gas as the primary heat source. However, these residences have had enough installed electric space heat capacity (over one watt per square foot) to qualify for the \$900 payments. Because the intent of the payments is for electric ratepayers to purchase the savings of electricity, some entities contend that any payment to homes heated with natural gas as the primary heat source constitutes an unfair subsidy by electric ratepayers.

**Summary:** It is clarified that payments to the owners of newly constructed residential buildings are available only when the residences have electricity as the primary heat source.

### Votes on Final Passage:

Senate 47 0  
House 98 0

**Effective:** April 19, 1993

## SB 5835

C 220 L 93

Exempting certain public authority property from taxation.

By Senators McAuliffe, Bluechel and McDonald

Senate Committee on Ways & Means  
House Committee on Revenue

**Background:** Public corporations, commissions, or authorities receive the same immunity or exemption from taxation as the cities or towns which form them. However, these entities must pay an in lieu excise tax on their real and personal property equal to the regular property taxes that would have been paid if the property were privately owned. Exempt from the tax is: (a) property within a special review district established by ordinance before January 1, 1976, or property listed on a state or federal register of historic sites, or property which is within a special review district listed on such a register, and (b) property owned or operated by a public corporation that is used primarily for low-income housing. Proceeds from the excise tax are distributed to the taxing districts in which the property is situated in the same manner as property taxes.

**Summary:** Property owned, operated, or controlled by a public corporation that is used as a convention center, performing arts center, public assembly hall, or public meeting place is exempt from the in lieu excise tax.

### Votes on Final Passage:

Senate 37 4  
House 87 5

**Effective:** July 25, 1993

## 2SSB 5836

C 363 L 93

Redefining the relationship between the state and its postsecondary institutions.

By Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Prince, West, Drew, Jesemig, Sheldon, Snyder and Gaspard)

Senate Committee on Higher Education  
Senate Committee on Ways & Means  
House Committee on Higher Education  
House Committee on Appropriations

**Background:** As the result of one of the recommendations of the Temporary Committee on Educational Policies, Structure and Management, the Legislature in 1985 created the Higher Education Coordinating Board (HECB). Legislative intent requires the board to represent the broad public interest above the interests of the individual colleges and universities. The board was given specific planning duties, program responsibilities, and administrative responsibilities, as well as the responsibility to adopt a master plan for higher education by December 1, 1987, and to update the plan biennially and present it to the Governor and the appropriate legislative committees.

**Summary:** The relationship between the state and its public colleges and universities is redefined and a new alignment of responsibilities is established.

The colleges and universities are responsible for developing strategic plans, providing timely information, administering local student financial aid programs, and operating as efficiently as feasible. The independent institutions are encouraged to cooperate with the HECB on regular reports. The responsibility for planning and efficiencies for the community and technical colleges rests with the State Board for Community and Technical Colleges who will respond directly to the Higher Education Coordinating Board. Research institutions are required to include in their strategic plans a consideration of the feasibility of significantly increasing the number of evening graduate classes.

The Higher Education Coordinating Board is responsible for coordinating the strategic plans, preparing regular reports to the citizens of the state, administering statewide financial aid programs, and helping institutions improve efficiency. In cooperation with the affected institutions, the HECB shall work with appropriate agencies to reduce administrative barriers; however, if statutory barriers to institutional efficiencies are found, the HECB shall report to the Governor and the appropriate legislative committees.

In addition, the state requires the Higher Education Coordinating Board to conduct a study of higher education system operations to identify efficiencies to increase access to, improve the quality of, and reduce the cost of higher education.

An incorrect reference to vocational technical institutes under the Superintendent of Public Instruction is removed.

Revision of the master plan is required every four years.

**Votes on Final Passage:**

Senate	47	1	
House	96	0	(House amended)
Senate			(Senate refused to concur)

**Conference Committee**

House	94	0
Senate	42	1

**Effective:** July 1, 1993

**SSB 5837**

C 273 L 93

Financing state and local government.

By Senate Committee on Government Operations (originally sponsored by Senators Quigley, Moore, Pelz, A. Smith, Prentice, Bauer, Hargrove, Sheldon, Erwin, Niemi, Jesernig and Talmadge)

Senate Committee on Government Operations  
House Committee on Local Government  
House Committee on Capital Budget

**Background:** Much of the construction or acquisition of capital facilities by state and local governments is financed by long-term debt instruments including revenue bonds, general obligation bonds, lease-purchase agreements, notes and other contractual arrangements. All of these arrangements include obligations to make payments which include interest. The interest, which is generally at a fixed rate, is determined by the financial markets at the time the obligation is incurred.

Because market interest rates constantly fluctuate, the financial community has developed a mechanism for parties to swap their respective payment obligations when it is in their mutual interest. These are side contracts which do not alter or impair the basic obligations. One party agrees to make the payments owed by the other party and vice versa for a fixed period of time. This may enable a party with a fixed-rate obligation to take advantage of lower interest rates available on a variable-rate obligation while the swapping party obtains the advantage of reducing their exposure to the risk of rising interest rates.

Many states permit public agencies to enter these payment agreements. It is believed that the state of Washington and larger units of local government in the state should be expressly authorized to take advantage of these opportunities.

**Summary:** Governmental entities are authorized to enter into a payment agreement in connection with specific obligations for the purpose of managing or reducing exposure to fluctuations of interest rates.

The term "governmental entities" is defined to include the State Finance Committee, the Washington Health Care Facilities Authority, the Washington Higher Education Facilities Authority, the Washington State Housing Finance Commission and any city, county, port district or public utility district which has or will have at the time of entering a payment agreement \$100 million in outstanding obligations or had at least \$100 million in gross revenue in the preceding calendar year.

Prior to entering a payment agreement, the governmental entity must, by ordinance or resolution, make a finding that the transaction will reduce the amount or duration of its exposure to interest rate changes, reduce the cost of borrowing, or increase the rate of return on investments made in connection with the obligation. The governmental entity must obtain a written certification from a qualified and disinterested financial advisor that its findings are reasonable.

A payment agreement may only be entered with a party that has a rating from at least two nationally recognized credit rating agencies that is within either (1) the two highest long-term investment grade rating categories, or (2) the three highest long-term investment grade rating categories if the obligation of the other party is collateralized by direct obligations of or obligations guaranteed by the United States of America.

The term and notional amount of the payment agreement may not exceed the term and principal amount of the obligation on which the agreement is based. If otherwise permissible, any rates or taxes tied to the underlying obligation may be adjusted to reflect the requirements of a payment agreement.

The authority to enter new payment agreements expires on July 1, 1995, except to replace an existing payment agreement if based upon the same underlying obligation.

The State Finance Committee is required to make reports to the Legislature at the end of 1993 and 1994 on the agreements entered pursuant to this act.

**Votes on Final Passage:**

Senate	47	1	
House	94	0	(House amended)
Senate	43	1	(Senate concurred)

**Effective:** May 7, 1993

**SB 5838**

C 364 L 93

Creating an energy siting process review committee.

By Senators Sutherland, Williams and Roach

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



## SSB 5839

**Background:** The Energy Facility Site Evaluation Council (EFSEC) is an entity created by the Legislature to provide a one-stop permitting review process for large energy production, distribution, or transmission facilities. EFSEC was created in the 1970's when projected electrical demand led energy policy officials to plan several large power plants throughout the region. The @CHAP = membership of EFSEC consists mainly of state agency directors or their designees. EFSEC is staffed by the Washington State Energy Office.

Statutes pertaining to EFSEC contain specific thresholds for various energy production and distribution facilities. Above these thresholds the projects are considered by EFSEC; below these thresholds, the projects are evaluated through a permit process by various federal, state, and local jurisdictions. Thresholds for pipelines involve the size and sometimes the length of the pipe. This varies based on the product being transported.

For the siting of electricity-producing power plants, the EFSEC threshold is a generating capacity of 250 megawatts (MW), roughly one-fourth the power needed by a city the size of Seattle. Over the past decade, with only three exceptions, all newly proposed energy projects in the state have been designed at levels that do not receive EFSEC consideration. Several of these projects are designed at levels just under the threshold.

Most of these recently-proposed energy production and transmission projects in this state have faced some degree of local opposition. The opposition has arisen for all types of projects, including transmission lines, substations, small hydropower projects, wind generating facilities, and others.

The Washington Energy Strategy Committee, in its final report of January, 1993, stated that the siting process for energy projects in this state is dysfunctional. The Strategy Committee recommended an intensive review of the current process.

**Summary:** An energy siting process review committee is created. The committee is charged with reviewing the siting process applicable to major thermal plants, combustion turbines, cogeneration plants, hydroelectric facilities, natural gas pipelines, electric transmission lines, and renewable energy sources including wind, solar, geothermal and biomass.

Membership of the 15 person committee shall consist of two members from both the House of Representatives and the Senate, three members representing citizens at large, and eight additional members, each representing one of the following entities: cities; counties; publicly-owned electric utilities; investor-owned electric utilities; natural gas local distribution utilities; natural gas pipeline companies; environmental organizations; and independent power producers. The chair of the committee shall be selected from the members representing citizens at large.

The Washington State Energy Office shall provide staff support to the committee.

The committee shall report its findings and any proposed legislation to the Governor and appropriate legislative standing committees by December 1, 1993. The act expires June 30, 1994.

### Votes on Final Passage:

Senate	47	0	
House	92	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 25, 1993

## SSB 5839

C 219 L 93

Providing consolidated mail service for state agencies.

By Senate Committee on Government Operations (originally sponsored by Senators Cantu, Drew, Haugen and Winsley)

Senate Committee on Government Operations  
House Committee on State Government

**Background:** In 1990, the Department of General Administration (GA) requested an Efficiency Commission study of the state's mail service. Based on the study's recommendations and authorization in a budget proviso, GA restructured the mail system to include: processing and delivering all mail to state agencies in Thurston County; picking up and processing outgoing mail, and providing similar services for mail between agencies from Vancouver to Everett.

It has been suggested that the consolidated mail service be codified as statute law.

**Summary:** Legislative intent is expressed to consolidate state mail functions to provide timely, effective, and less costly mail service. Agencies are defined to cover all offices, departments, boards and commissions of the state and their employees.

The director of General Administration establishes a consolidated mail service for all incoming, outgoing, and internal mail in the 98504 zip code or successive zip code areas for agencies in the Olympia, Tumwater and Lacey areas. Agencies in other geographic areas may be added to the service at the director's determination. GA also provides mail service to the legislative and judicial branches on their request. Personnel and equipment involved in mail service may be transferred to the Department of General Administration if such action is deemed appropriate.

### Votes on Final Passage:

Senate	47	0	
House	98	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: July 1, 1993

**SB 5841**

C 107 L 93

Requiring an outreach campaign on shaken baby syndrome.

By Senators Moyer, Prentice, Talmadge, Quigley, Prince, Hochstatter, McAuliffe, Erwin, West, Sheldon and Winsley

Senate Committee on Health & Human Services  
House Committee on Human Services

**Background:** Shaken Baby Syndrome occurs when infants and very young children are vigorously shaken by caregivers. Often, the caregivers do not realize that an infant's brain and spinal cord is vulnerable to serious injury or death. The effects of Shaken Baby Syndrome can include brain damage, blindness, cerebral palsy, hearing loss, spinal cord injury, seizures, or learning disabilities. It is believed that non-malicious but injurious shaking of infants can be prevented by improved public education and awareness.

**Summary:** A public information and communication outreach program regarding Shaken Baby Syndrome is established, by providing information on prevention to parents of newborns, upon discharge from a hospital or midwife-assisted birth.

The Washington Council for Prevention of Child Abuse and Neglect provides brochures on Shaken Baby Syndrome, and, within available funds, may also provide information through the use of hotlines, electronic media, and existing parenting education programs.

**Votes on Final Passage:**

Senate 47 0  
House 97 0

Effective: July 25, 1993

**ESSB 5844**

C 365 L 93

Allowing volunteers to assist agencies to serve at-risk children's needs.

By Senate Committee on Government Operations (originally sponsored by Senators McAuliffe, Erwin, M. Rasmussen, Amondson, Drew, Prentice, Pelz, Niemi, Winsley, Sheldon, McDonald, Talmadge, Owen, Snyder, Haugen, Hargrove, Moyer, Quigley, Roach, Jesernig, Oke, Hochstatter and Spanel)

Senate Committee on Government Operations  
House Committee on Human Services

**Background:** The Center for Volunteerism and Citizen Service supports and promotes public volunteer service

throughout the state. It is believed that volunteers should be encouraged to work with at-risk children.

**Summary:** A collaborative program permits a volunteer organization and individual volunteers to assist a public agency in working with at-risk children. The Center for Volunteerism and Citizen Service develops guidelines defining at-risk children and establishing reasonable safety standards to protect program participants and volunteers. Volunteers are not considered employees of any public agency they assist and the public agency shall have no liability for any acts of an individual volunteer or volunteer organization. Volunteers shall not be liable for civil damages arising from volunteer activities which comply with safety standards except acts or omissions which constitute gross negligence or constitute willful or wanton misconduct.

**Votes on Final Passage:**

Senate 49 0  
House 93 0 (House amended)  
Senate (Senate refused to concur)  
House (House refused to recede)  
Senate (Senate refused to concur)

**Conference Committee**

House 98 0  
Senate 47 0

Effective: July 25, 1993

**SSB 5849**

C 221 L 93

Revising dairy management.

By Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Erwin, McAuliffe, Roach, Anderson, Bauer, Barr, Amondson and Loveland)

Senate Committee on Agriculture  
House Committee on Agriculture & Rural Development

**Background:** There is little state statutory guidance establishing the procedures or criteria to be used in the formulation of a state dairy waste management program.

Federal water quality regulations call for specified dairy animal feeding operations that meet the federal criteria to be covered by a national pollution discharge elimination system permit. Those dairy farms that meet this criteria are designated as concentrated animal feeding operations and thus are subject to regulation.

Federal regulations require dairy farms having over 700 head of mature dairy cows to be covered by a permit. Dairy farms having between 200 and 700 head are covered by a permit if they are discharging directly into surface waters.

Federal regulations also provide that the administrator of the program may designate any dairy animal feeding operation as a concentrated animal feeding operation if it is found to be a significant contributor of pollution. Prior to making that designation, the federal regulations require the

## SB 5851

agency to conduct an on-site inspection of the operation and determine that the operation should and could be regulated under the permit program.

The State Water Pollution Control Act regulates discharges to ground and to surface waters.

In 1988, the Department of Ecology entered into a memorandum of agreement with the Conservation Commission regarding processing of complaints relating to agricultural discharges into waters. Under this process, if a water quality violation is confirmed and not corrected, the problem is referred to the local conservation district. A plan is required to be prepared within six months and implemented within 18 additional months.

The memorandum of agreement states that the Department of Ecology is to encourage the use of recommendations from the Soil Conservation Service.

**Summary:** Provisions of federal regulation that pertain to dairy farms are placed into state statute.

Upon receiving a complaint or upon the Department of Ecology's own determination that a dairy animal feeding operation is a likely source of water quality degradation, the department may investigate the operation to determine whether it is discharging directly or recently has directly discharged pollution into surface or ground waters of the state. The department is required to investigate a written complaint within ten days and is required to make written findings including the results of any water quality measurements, photographs or other pertinent information. A copy of the findings shall be provided upon request to the dairy animal feeding operation.

Those operations that are determined to be a significant contributor of pollution based on water quality tests, if immediate corrective actions are not possible, shall be designated as a concentrated animal feeding operation and shall be subject to the provisions of this chapter.

Conservation districts are to assist the owner or operator in the development of a dairy waste management plan within six months. Implementation of the plan is to be completed within 18 months.

Duties of the Department of Ecology, the Conservation Commission and local conservation districts are enumerated. These duties are derived from the memorandum of agreement.

This act does not interfere with other authorities of the Department of Ecology available under the state Water Pollution Control Act. Enforcement actions are appealable to the Pollution Control Hearings Board.

### Votes on Final Passage:

Senate	47	0	
House	92	0	(House amended)
Senate	41	0	(Senate concurred)

**Effective:** July 25, 1993

## SB 5851

C 332 L 93

Changing the membership of the joint legislative systems committee.

By Senators Gaspard and Sellar

House Committee on State Government

**Background:** In 1986 the Joint Legislative Systems Committee was created to oversee the direction of the information processing and communications systems of the Legislature. The committee was also charged with enforcing the policies, procedures and standards of these information and communications systems and with employing a legislative systems coordinator. The eight members of the Joint Legislative Systems Committee are: the Speaker of the House of Representatives; the minority leader of the House of Representatives; a member from each of the two largest caucuses in the House of Representatives appointed by the Speaker of the House of Representatives; the majority leader of the Senate; the minority leader of the Senate; and a member of each of the two largest caucuses in the Senate, appointed by the majority leader of the Senate. Members serve two-year terms. The Legislature wishes to reduce the Joint Legislative Systems Committee to four members.

**Summary:** The Joint Legislative Systems Committee shall consist of four members: A member from each of the two largest caucuses in the House of Representatives, appointed by the Speaker of the House of Representatives; and a member from each of the two largest caucuses in the Senate, appointed by the majority leader of the Senate.

### Votes on Final Passage:

Senate	46	0	
House	98	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate refused to concur)
House	95	0	(House receded)

**Effective:** July 25, 1993

## SB 5856

C 438 L 93

Authorizing certain real property transactions.

By Senators Vognild, Nelson and Skratek

Senate Committee on Transportation  
House Committee on Transportation

**Background:** The 18th Amendment of the Washington State Constitution provides that revenues deposited in the motor vehicle fund may only be used for support of state, city, and county highway maintenance and construction;

highway related activities of the Washington State Patrol; the State Ferry System; and other highway purposes.

The State Patrol highway account of the motor vehicle fund is used exclusively to fund highway activities of the Washington State Patrol. Currently, there is no law providing that revenues derived from the sale of real property under the jurisdiction of the Washington State Patrol be deposited in the State Patrol highway account.

To date, the Washington State Patrol has not bought or sold any real property under its jurisdiction. The Director of the Department of General Administration, on behalf of the Washington State Patrol, is authorized to purchase, lease, rent, or otherwise acquire all necessary real estate.

**Summary:** Whenever real property owned by the state of Washington and under the jurisdiction of the Washington State Patrol (WSP) is no longer required, it may be sold at fair market value.

All proceeds received from the sale of real property under the jurisdiction of the WSP are deposited in the State Patrol highway account of the motor vehicle fund.

If accounts or funds other than the State Patrol highway account are used for the purchase or improvement of the real property, the Office of Financial Management determines the proportional equity of each account or fund in the property and improvements, and directs the proceeds to be deposited proportionally.

**Votes on Final Passage:**

Senate	47	0	
House	92	0	(House amended)
Senate	43	0	(Senate concurred)

**Effective:** July 25, 1993

## SSB 5858

C 439 L 93

Forbidding requiring financial security devices for permits for local government units' construction projects.

By Senate Committee on Government Operations (originally sponsored by Senator Cantu)

Senate Committee on Government Operations  
House Committee on Local Government

**Background:** Counties, cities and towns, as a condition of issuing a building permit, may require the owner of the project to provide a surety bond or other financial security to assure that financial resources are available to complete the project.

Such conditions have, on occasion, been unnecessarily imposed upon other units of local government which have a tax base providing sufficient assurance of financial responsibility.

**Summary:** Counties, code cities, non-code cities and towns may not require another unit of local government or state agency to secure the performance of a permit require-

ment with a surety bond or other financial security device as a condition of issuing a permit for a building construction project.

**Votes on Final Passage:**

Senate	41	0	
House	93	2	(House amended)
Senate	42	0	(Senate concurred)

**Effective:** July 25, 1993

## ESSB 5868

C 280 L 93

Creating the department of economic and community development.

By Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Skratek, Bluechel, Sheldon, Erwin, Deccio, M. Rasmussen, Snyder, Gaspard and Winsley)

Senate Committee on Trade, Technology & Economic  
Development

House Committee on State Government

**Background:** Washington's economic and community development efforts share many of the limitations and shortcomings found in other states. Past studies and reports have found that (1) our state does not have an articulated and widely understood strategy for economic development; (2) service users have been frustrated by fragmentation and duplication of services; and (3) there is insufficient coordination between different programs within a state agency, between agencies, and between local programs and the state.

Other criticisms of the state's programs are that they are of inadequate scope and scale to meet the broad needs of local communities and businesses and they are not evaluated for effectiveness on an ongoing, systematic basis. State programs are also viewed as being too general in nature to address the particular needs of service users.

The effectiveness of economic and community development efforts can be enhanced by increasing the capacity of community-based groups to deliver needed services and by using both regional and sectoral strategies to serve common needs of service users. Consolidation of the two agencies currently responsible for economic and community development has been proposed as a way to introduce greater accountability and effectiveness in state efforts.

**Summary:** The Legislature finds that community development functions and economic development functions of the state are tied to one another and that maintaining the state's quality of life will require new partnerships and reorganizing state assistance.

The Department of Community, Trade, and Economic Development is created. The general functions of the department include promoting community and economic development within the state; assisting the Governor in

coordinating the activities of state agencies that have an impact on local governments and communities; cooperating with the Legislature and the Governor in the development and implementation of strategic plans for the state's economic and community development efforts; soliciting private and federal grants for economic and community development programs; providing technical and financial assistance to local governments, businesses, and community-based organizations; and conducting the necessary research and analysis to support economic and community development efforts.

Effective July 1, 1994, the Department of Trade and Economic Development and the Department of Community Development are abolished. The functions of the two departments are transferred to the Department of Community, Trade, and Economic Development.

The Directors of the Department of Trade and Economic Development and the Department of Community Development are to jointly submit a plan for the transition into and the operation of the new department by November 15, 1993. The plan is to include strategies for combining functions of the two agencies; benchmarks by which to measure progress and evaluate performance, and strategies for maximizing support for community and economic development efforts. In developing the plan, the directors shall work with an advisory committee of representatives of groups using services and programs of both departments.

The department is specifically directed to operate programs which: provide trade and business assistance, develop local capacity, develop sectoral and diversification strategies, offer financing assistance for public and private development, assist in meeting housing needs, coordinate growth management efforts, and coordinate community services and protection efforts.

**Votes on Final Passage:**

Senate 46 3  
House 70 24 (House amended)  
Senate 41 0 (Senate concurred)  
Effective: May 10, 1993 (Sections 80, 81)  
July 25, 1993  
July 1, 1994 (Sections 1-7, 9-79, 82, 83)

**SB 5875**

C 263 L 93

Enacting the national guard mutual assistance counter-drug activities compact.

By Senators Gaspard, von Reichbauer, A. Smith, Winsley and M. Rasmussen; by request of Military Department

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** Pursuant to Executive Memo, the Washington National Guard provides support to state law enforcement agencies for the purpose of counter-drug activities.

This support of manpower and equipment is funded by the federal government. Presently, 144 guardsmen support 41 law enforcement agencies in 52 separate locations within the state. These efforts are directed at communication monitoring, data collection, cargo inspection, and various other skills where military training allows Guard personnel to replace certified law enforcement officers.

Congress has approved a constitutional compact format to replace the Executive Memo and thereby provide mutual assistance agreements between states effecting such a compact. It is believed that this proposal will clarify the Governor's general powers and provide for National Guard involvement in future activities. This nontraditional activity by National Guard soldiers would be limited to a response from an appropriate law enforcement agency and only in support of enforcement for controlled substance statutes.

**Summary:** Statutory authority is provided for the Governor to enter into a compact for the use of National Guard troops in support of local law enforcement agencies who are fulfilling controlled substance statutes. Washington is permitted to engage in mutual support agreements with other states. Standards for force deployment and withdrawal are defined and directed. A one-year notice is required prior to withdrawal from the authorized compact.

**Votes on Final Passage:**

Senate 48 0  
House 98 0 (House amended)  
Senate 45 0 (Senate concurred)  
Effective: July 25, 1993

**SSB 5876**

C 488 L 93

Extending incentives for ride sharing and vanpools.

By Senate Committee on Transportation (originally sponsored by Senators Prentice, Skratek, Sellar, M. Rasmussen and Winsley)

Senate Committee on Transportation  
House Committee on Transportation

**Background:** The Commute Trip Reduction Law requires that major employers in the state's eight largest counties reduce the number of their employees traveling to work by single-occupant vehicle. One effective strategy for meeting the goals of the Commute Trip Reduction Law is to encourage commuters to participate in vanpool and ride-sharing programs.

**Summary:** Passenger motor vehicles (vans and cars) that are used primarily as ride-sharing vehicles by at least five persons, including the driver, and have a gross vehicle weight of not more than 10,000 pounds are exempt for 36 months from sales tax and use tax. Additionally, ride-sharing vehicles with five or six passengers, including the

driver, operating within the state's eight largest counties are required to participate in a transit agency-sponsored or commute trip reduction law-required program. If the vehicle is used for ride-sharing less than 36 months, the registered owner must notify the Department of Revenue and pay the appropriate sales tax or use tax due.

Passenger motor vehicles (vans and cars) are exempt from motor vehicle excise tax when used primarily as ride-sharing vehicles and carry at least five persons, including the driver, or at least four persons, including the driver, when at least two passengers are confined to wheelchairs. Ride-sharing vehicles must weigh no more than 10,000 pounds and, if operated within the state's eight largest counties, they must participate in a transit agency-sponsored or commute trip reduction law-required program. The registered owner of a vehicle that is no longer primarily used for ride-sharing must notify the Department of Licensing and pay the motor vehicle excise tax due. A person who knowingly gives false information to the department when applying for ride-sharing plates may be guilty of a gross misdemeanor.

The Department of Licensing must adopt by rule a process for annually recertifying vehicles registered as ride-sharing vehicles to discourage abuse of tax exemptions. The department, in consultation with the Department of Transportation, must submit a report to the transportation committees assessing its ability to restrict the ride-sharing tax exemptions to bona fide ride-sharing vehicles.

The sunset on sales tax, use tax, and motor vehicle excise tax exemptions for ride-sharing vehicles is repealed.

**Votes on Final Passage:**

Senate	45	3	
House	95	0	(House amended)
Senate	41	2	(Senate concurred)

Effective: July 25, 1993

**SSB 5878**

C 188 L 93

Decentralizing posttenure evaluation for higher education faculty.

By Senate Committee on Higher Education (originally sponsored by Senator Bauer)

Senate Committee on Higher Education

House Committee on Higher Education

**Background:** In 1991 the Legislature established a performance review of tenured faculty members in the community college system. This statute requires tenured faculty members receive such review from a committee of peers at least once every 15 regular college quarters. If the review is unsatisfactory, the tenured faculty member may be required to implement a professional improvement plan for a period of up to three regular college quarters. If the faculty member's performance remains unsatisfactory fol-

lowing this period, tenure may be revoked and the faculty member will be returned to probationary status.

One section of the community college tenure statute contains references to teaching faculty serving on faculty tenure review committees. The term "teaching faculty" may exclude librarians and counselors, who are faculty but not necessarily teaching faculty, from serving on the tenure review committees. The term "teaching faculty" is not used in other sections of the community college tenure statute.

**Summary:** The community college tenured faculty performance review and evaluation statute is repealed.

The community and technical college system is directed to establish a process for periodic post-tenure review of faculty through the local collective bargaining process.

The term "teaching faculty" is changed to "faculty" for the composition of tenure review committees.

**Votes on Final Passage:**

Senate	45	0
House	97	0

Effective: July 1, 1993

**ESB 5879**

C 274 L 93

Conforming state law on child passenger restraint systems to the Uniform Vehicle Code.

By Senators A. Smith, Spanel, Deccio and Winsley

Senate Committee on Law & Justice

House Committee on Transportation

**Background:** Children under one year of age are required to be restrained in a separate child passenger restraint device. Children who are one year of age through four years of age may be restrained with a properly adjusted and fastened, federally approved seat belt.

There is concern that seat belts do not provide adequate protection to children under four years of age.

**Summary:** A child less than two years old is required to be restrained in a child restraint system that is in compliance with the United States Department of Transportation standards. The child restraint system must be secured in the vehicle according to instructions from the manufacturer of the child restraint system.

A child who is less than six years old but at least two years old is required to be restrained either in a child restraint system as described above or with a safety belt properly fastened around the child's body.

**Votes on Final Passage:**

Senate	47	1	
House	94	4	(House amended)
Senate			(Senate refused to concur)
House	97	0	(House receded)

Effective: July 25, 1993



SB 5883

C 222 L 93

Changing funding procedures for high school students enrolled in the running start program in community or technical colleges.

By Senators Bauer, Erwin, M. Rasmussen and Roach; by request of Superintendent of Public Instruction

Senate Committee on Higher Education  
House Committee on Education  
House Committee on Appropriations

**Background:** The Running Start program was originally authorized in 1990. The program allows students and parents the choice of including college level courses in their high school program at the junior and senior level. Under the Running Start program, 11th and 12th grade students may enroll in a community college or technical college for high school and college credit. The program directs the local school district to reimburse the college for the student with a proportionate share of the school district's state basic education funding.

As the program is presently constructed, separate arrangements for reimbursement must be made between each school district sending a student and each community or technical college receiving a student. These reimbursements vary between districts and colleges because basic education funding varies between school districts. Some small high school reimbursements are markedly less than the average basic education allocation, and may not fully fund all the costs of the receiving college.

Setting the reimbursement procedures and amounts at the state level would simplify the arrangements between school districts and colleges and provide for a consistent level of reimbursement.

**Summary:** The reimbursement from school districts to community and technical colleges for students in the Running Start program is determined by the Superintendent of Public Instruction through the development of statewide uniform rates. Criteria for developing the statewide uniform rates are provided. The Superintendent of Public Instruction is required to consult the State Board for Community and Technical Colleges on the calculation and distribution of the Running Start funds.

References to vocational-technical institutes in the Running Start statute are changed to technical colleges.

**Votes on Final Passage:**

Senate	43	2	
House	97	0	(House amended)
Senate	41	1	(Senate concurred)

**Effective:** September 1, 1993

ESSB 5888

PARTIAL VETO

C 519 L 93

Improving retirement system benefits.

By Senate Committee on Ways & Means (originally sponsored by Senators Gaspard, Rinehart, Bauer, Snyder and Anderson)

Senate Committee on Ways & Means

**Background: Cost-of-Living Adjustments:** A member of Plan I of the Public Employees' Retirement System (PERS I) or the Teachers' Retirement System (TRS I) receives a 3 percent cost-of-living adjustment (COLA) when his or her retirement benefit has lost 40 percent of the purchasing power the benefit had when the retiree was age 65. A member who receives the minimum retirement benefit (currently \$17.18 per month per year of service) also receives a 3 percent COLA each year. The automatic COLA was granted in 1989, while the minimum benefit COLA was granted in 1987. Prior to that, members of TRS and PERS Plan I were granted only ad hoc COLAs.

The Legislature included in the 1991-1993 budget act a temporary cost-of-living adjustment for certain members of TRS and PERS Plan I. Beginning February 1992, through June 30, 1993, the retirement benefit of any member who was receiving the regular COLA or the minimum benefit was increased by whatever amount was necessary to bring the benefit up to 60 percent of the purchasing power the benefit had when the retiree was 65 years old.

**Normal Retirement:** Under Plan I of PERS and TRS, employees may retire with full retirement benefits if they have 30 years of service regardless of age, or have at least 25 years of service credit and are at least age 55, or have at least five years of service credit and are at least age 60.

In 1992, the Legislature created a temporary opportunity for PERS and TRS Plan I members to retire five years early.

**Cities' Portability:** Most city, county, and state employees are members of the Public Employees' Retirement System. However, the cities of Seattle, Tacoma, and Spokane each have a city employee retirement system that covers their general government employees.

If an employee leaves employment in one retirement system and moves to another, service credit is split between the two systems. If there is no portability between the two systems, the employee receives a lower retirement benefit than if he or she had remained in one system for an entire career. This is because the benefit from the first retirement system is calculated using what is typically a much lower salary because it is at the beginning of an employee's career.

With portability, the employee uses the highest base salary from any system to calculate the retirement allowance in both systems. Typically, this means that the retirement allowance received from the system with which the

member first started is higher than it would be in the absence of portability.

Portability of service credit is allowed between most of the state retirement systems (PERS, TRS, and the Washington State Patrol Retirement System). In 1989, legislation was passed allowing portability among the state retirement systems and the systems in Seattle, Tacoma, and Spokane. However, the 1989 legislation requires the city systems to pay for all additional costs associated with portability. The cities were required to submit resolutions to the Department of Retirement Systems by December 1, 1990 to begin portability. None of the cities did so.

**Pension Contribution Rates:** In 1989, the Legislature passed a pension reform package requiring state and other public employer contribution rates to be set at the level necessary to pay off the unfunded liability in the Plan I pension systems by the year 2024 and to continue to fully fund the Plan II systems.

Pension rates are set in statute by the Legislature based on experience and economic assumptions recommended by the State Actuary and adopted by the Economic and Revenue Forecast Council. Every six years, the assumptions are to be reviewed by the council and the contribution rates adjusted in statute as necessary.

Current statutory rates were adopted by the Legislature in June 1990 and became effective September 1991. They are based on 1988 data. These rates will be reviewed by the council in 1996.

The rates adopted by the council, plus any supplemental rates added for additional benefits granted by the Legislature since the last rates were adopted, are used by state agencies in building their biennial budgets.

The State Actuary annually publishes an actuarial valuation which reviews the latest data available on the experience of the state-run retirement systems. The valuation published in 1991, which was based on 1990 data, revealed that the contribution rates set in statute in 1989 for PERS, TRS and Law Enforcement Officers' and Fire Fighters' (LEOFF) were higher than necessary to pay off the unfunded liability by the year 2024 and the rate for the Washington State Patrol Retirement System (WSPRS) was lower than was necessary. Legislation passed in 1992 lowered the contribution rates for TRS, PERS and LEOFF and raised the contribution rate for WSPRS.

The valuation published in November, 1992, uses 1991 data which show the statutory contribution rates for TRS, PERS and LEOFF are higher than necessary and the rate for WSPRS is lower than necessary.

**State Investment Board:** The State Investment Board is responsible for the investment of certain state trust and retirement system funds. The board is composed of 14 members, nine of whom vote and five of whom act in an advisory capacity regarding investments. The voting board members represent certain retirement plans, state agencies, the State Treasurer, and the Legislature.

The Speaker of the House of Representatives and the President of the Senate each appoint one member to represent the House and Senate. Legislative members serve two-year terms and may not serve as chairperson or vice chairperson.

**Summary: Cost-of-Living Adjustments:** A member of Plan I of the Public Employees' Retirement System or the Teachers' Retirement System who is currently receiving the cost-of-living adjustment granted in the 1991-1993 budget act will continue to receive this adjustment through June 30, 1995.

A member of Plan I of the Public Employees' Retirement System or the Teachers' Retirement System who is not receiving the minimum benefit or the regular automatic cost-of-living adjustment, is at least age 70 as of July 1, 1993, has been retired for at least five years and is not receiving temporary disability benefits will receive a temporary increase in benefits equal to \$3.00 per month per year of service. The increase will last from July 1, 1993, through June 30, 1995.

**Early Retirement:** Members of PERS I and TRS I who meet certain criteria can retire early. To qualify for this retirement, the member must have: (1) at least 25 years of service credit, regardless of age; (2) at least 20 years of service credit and be at least age 50; or (3) at least five years of service credit and be at least age 55.

Members who work for school districts must submit written notification to their employer and the required application form to the Department of Retirement Systems no later than July 1, 1993, and must be retired no later than August 31, 1993. Other members have until August 31, 1993, to submit the notification and application, and must be retired no later than December 31, 1993.

State agencies and school districts are prohibited from engaging persons who retire under the early retirement option on personal service contracts through June 30, 1995, for state agencies, or August 31, 1995, for school districts. State agencies are also prohibited from rehiring early retirees as temporary or project employees. Exceptions can be granted under certain circumstances.

School district employees who retire early are eligible to receive, at the time they separate from district employment, at least one-half of the remuneration due to them for accrued leave for illness and injury. School districts must pay the remainder no later than three years after the employee separates from employment, or when the employee would ordinarily have been eligible to retire, whichever occurs first.

**Cities' Portability:** The cities of Seattle, Spokane, and Tacoma may make their city retirement systems portable with the Public Employees' Retirement System, the Teachers' Retirement System and the Washington State Patrol Retirement System, if they adopt a resolution to do so by December 31, 1993. If a city adopts a resolution, portability becomes effective January 1, 1994.

## SSB 5889

The additional cost incurred as a result of an employee utilizing portability between a state retirement system and a city retirement system is to be borne by the retirement system incurring the additional cost.

**Pension Contribution Rates:** The contribution rates to be used from September 1, 1993, through August 31, 1995, are the rates determined in the 1991 valuations prepared by the State Actuary.

Beginning September 30, 1994, and every two years after that, the Economic and Revenue Forecast Council will adopt the retirement contribution rates to be used during the ensuing biennium for the Public Employees' Retirement System, the Teachers' Retirement System, the Law Enforcement Officers' and Fire Fighters' Retirement System and the Washington State Patrol Retirement System.

Every six years, the Economic and Revenue Forecast Council will review information submitted by the State Actuary and will adopt the economic assumptions used by the State Actuary in conducting valuation studies of the state retirement systems.

The contribution rates adopted in 1992 for PERS, TRS, LEOFF and WSPRS are extended through August 31, 1993.

**State Investment Board:** The State Investment Board is increased from nine to eleven voting members. The two additional members increase the total legislative representation to four members. The House Speaker and the Senate President both are authorized to appoint two members, one each from the majority and minority caucuses within their respective legislative bodies.

### Votes on Final Passage:

Senate	47	0
House	94	3

Effective: July 25, 1993

**Partial Veto Summary:** The sections modifying the membership of the State Investment Board were vetoed.

### VETO MESSAGE ON ESSB 5888

May 18, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

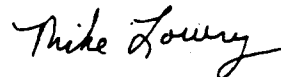
I am returning herewith, without my approval as to sections 22 and 23, Engrossed Substitute Senate Bill No. 5888, entitled:

"AN ACT Relating to improvement of retirement system benefits;"

Engrossed Substitute Senate Bill No. 5888 provides for improvements to retirement system benefits. Sections 22 and 23 of the legislation proposed adding two additional legislators to the existing membership of the State Investment Board (SIB). While I acknowledge the extreme importance of the SIB, the current membership of the board is a balance between legislative and executive branch representatives and representatives of the retirement system membership. In addition, the SIB has new members that are attempting to fulfill this serious responsibility to the State of Washington, and they should be allowed to determine their new direction before the composition of membership is altered.

With the exception of sections 22 and 23, Engrossed Substitute Senate Bill No. 5888 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

## SSB 5889

C 109 L 93

Awarding grants for pilot regional collaborative professional development school projects.

By Senate Committee on Higher Education (originally sponsored by Senators Bauer, Prince, Loveland, Jesernig, Drew, Sheldon, Snyder and Spanel)

Senate Committee on Higher Education  
House Committee on Higher Education  
House Committee on Appropriations

**Background:** American business, education and government leaders, recognizing a growing crisis, are calling for reform of pre-kindergarten through secondary education. Those calling for reform of the present educational system recognize that if school children are to be affected, teachers need the appropriate support structures, progressive administrative leadership and informed public policy.

Professional Development Centers originated in 1991 and unified the previously established student- and beginning- teacher programs under one umbrella. The Professional Development Center is a system for coordinating multi-district and higher education activities which focus on improving educational opportunities for children by improving the recruitment, training, orientation, and ongoing professional development of teachers and support staff.

Recommendations for improving teacher preparation and expertise contained in the report from the Governor's Council on Education Reform and Funding in conjunction with the fact that a significant number of the existing certificated staff in Washington will be eligible to retire in three to five years support expansion to a comprehensive system similar to that found in a regional teaching hospital.

**Summary:** The Superintendent of Public Instruction shall award grants for the 1993-95 biennium for not more than six but no fewer than four pilot regional collaborative development school projects that shall be operated through existing professional development centers or through collaborative arrangements entered into by school districts and higher education institutions where such collaboration exists without ESD participation.

Management and coordination of the pilot project teachers is a collaborative effort under the specific responsibilities of the partnership with higher education institutions. The educational service district or the school district

shall provide at least 50 percent of the in-service training for site staff for the project and continuing education clock hour credit for in-service activities.

The participating higher education institution shall provide coordination of master's degree and master's in teaching intern programs as well as undergraduate and graduate level classes that lead to teaching certificate endorsements or degrees for staff. The higher education institution shall collaborate with the ESDs and/or school districts on research projects as well as recruitment of minorities and professionals changing careers into the teaching profession. The higher education institution shall provide at least 50 percent of the in-service training for site staff for the project. Pilot project evaluation and the development of recommendations for broader development of the professional school model is the responsibility of the higher education institution.

The Superintendent of Public Instruction (SPI) shall ensure that the pilot sites reflect the diversity of Washington's schools and include large, small, rural, and urban school districts in both eastern and western Washington. The participating school districts, educational service districts, Superintendent of Public Instruction and higher education institutions, including the applicable professional education advisory board, are required to annually report and make recommendations to the State Board of Education regarding teacher training and professional development programs. SPI shall report no later than January 10, 1994, and January 10, 1995, to the Legislature on the activities of the pilot programs and shall recommend the feasibility of continuing and expanding the program.

The act contains a null and void clause.

**Votes on Final Passage:**

Senate	45	1
House	97	0

**Effective:** July 25, 1993

## SSB 5896

C 46 L 93

Authorizing counties to use the hotel-motel tax for public restroom facilities.

By Senate Committee on Government Operations (originally sponsored by Senators M. Rasmussen, Amondson, Haugen, Winsley, Sheldon, Gaspard and Snyder)

Senate Committee on Government Operations  
House Committee on Revenue

**Background:** Any county or city may impose a local option tax of 2 percent on sales of hotel/motel rooms. This tax is not paid in addition to other state and local taxes. Instead, it is credited against the state's 6.5 percent retail sales tax. Cities can levy the hotel/motel tax within their corporate limits and counties can levy the tax in unincor-

porated areas and within cities that do not levy the tax. (There are two exceptions.)

In general, the hotel/motel tax may be used for: the construction and operation of stadium facilities, convention center facilities, performing arts center facilities, visual arts center facilities, and tourism promotion. Some counties would like to use this tax to provide public restroom facilities.

**Summary:** Pierce County is allowed to use the 2 percent hotel/motel tax for the provision of public restroom facilities, if these restrooms are available for use by visitors.

**Votes on Final Passage:**

Senate	47	2
House	98	0

**Effective:** July 25, 1993

## SB 5903

C 223 L 93

Allocating basic education funding to community and technical colleges for students enrolled in community or technical colleges.

By Senators Bauer, Winsley and von Reichbauer; by request of State Board for Community and Technical Colleges

Senate Committee on Higher Education  
House Committee on Education

**Background:** The transfer of the vocational technical institutes from the common schools to the State Board for Community and Technical colleges by the 1991 Legislature provided for continuation of occupational and vocational programs for high school students at the newly designated technical colleges. A number of technical colleges offer programs that high school students attend for a full school day.

The transfer legislation required the school districts and the technical colleges to maintain those high school programs in place at the time of the 1991 transfer with future proportional adjustments to be made for enrollments in participating school districts. Students in these programs are considered the responsibility of the common schools. The technical colleges are prohibited from charging tuition or other fees. School districts and technical colleges enter into agreements for the transfer of funds. Funds are apportioned for these students to local districts by the Superintendent of Public Instruction (SPI) as if they were attending district schools.

To reduce administrative paperwork, it has been recommended that funds be sent directly from SPI to the technical colleges instead of going through the school districts.

**Summary:** Funds for high school students attending technical or community college programs established by an interlocal agreement are allocated directly to the participat-

## SB 5905

ing college by the Superintendent of Public Instruction unless the college chooses to receive its allocation through the school district. Students enrolled in the Running Start Program are not affected.

### Votes on Final Passage:

Senate	47	1	
House	95	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: July 25, 1993

## SB 5905

C 65 L 93

Changing provisions regarding the county road administration board.

By Senators Vognild, Fraser and Deccio; by request of County Road Administration Board

Senate Committee on Transportation

House Committee on Transportation

**Background:** The County Road Administration Board (CRAB) provides grants to counties for improvements to rural arterials, administers the distribution of state revenue for county roads, sets standards of good practice for the administration of county roads, and provides technical assistance to county road departments.

**Summary:** The descriptions of standards of good practice and the County Road Administration Board responsibilities are changed to more accurately reflect the services provided by CRAB, and to acknowledge "the safe and efficient movement of people and goods over county roads" as part of its mission.

The due date for the CRAB annual report is changed from July 1 to January 15. The board may elect a chair to serve for one year at any time during the year rather than being required to do so during the first week of July.

### Votes on Final Passage:

Senate	49	0
House	98	0

Effective: July 25, 1993

## SB 5906

C 275 L 93

Modifying electrical inspection standards.

By Senators Moore, Newhouse, Wojahn, Amondson and Hochstatter

Senate Committee on Labor & Commerce

Senate Committee on Ways & Means

House Committee on Commerce & Labor

House Committee on Appropriations

**Background:** All equipment, including industrial control panels, that uses, conducts or is operated by electrical current must conform to the state's electrical code and the rules developed by the Department of Labor and Industries to implement the code. The State Electrical Code is based on the National Electrical Code developed by the National Fire Protection Association and applicable regulations and standards of the Underwriter's Laboratories, Inc., or other electrical product laboratories accredited by the department.

All industrial control panels that convey or are operated by electrical current are inspected by either the department or an approved independent product testing laboratory.

**Summary:** Industrial control panels, utilization equipment and their component parts do not need to be listed, labeled or otherwise meet approved electrical standards unless specifically required by the 1993 edition of the National Electrical Code.

The Department of Labor and Industries is directed to secure and review on an annual basis a copy of the latest revision of the National Electrical Code and a copy of any applicable regulations and standards of any electrical product testing laboratory which are accredited by the department, including modifications and changes that have been made in the last year.

### Votes on Final Passage:

Senate	47	0
House	94	0

Effective: July 25, 1993

## ESSB 5911

C 366 L 93

Promoting economic development.

By Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Cantu, Skratek, Bluechel and Winsley)

Senate Committee on Trade, Technology & Economic Development

House Committee on Trade, Economic Development & Housing

**Background:** The Pacific Northwest Export Assistance Program (PNEAP), a branch of the Small Business Export Finance Assistance Center, was created by the Legislature in 1991 as part of the omnibus timber bill. At least 50 percent of PNEAP's new cadres of clients each year must be from timber impact areas, and 90 percent should be businesses with gross revenues of less than \$5 million. Increased flexibility in these requirements may better allow PNEAP to serve areas which are not currently experiencing economic distress, but which are likely to

experience distress due to other natural resource issues or defense budget reductions.

**Summary:** Seventy-five percent of PNEAP's new clients should be very small business clients (gross revenues of less than \$5 million).

The Small Business Export Assistance Finance Center is authorized to provide services, if requested, to other Pacific Northwest states and provinces.

**Votes on Final Passage:**

Senate	48	1	
House	95	0	(House amended)
Senate	41	2	(Senate concurred)

**Effective:** July 25, 1993

### SSB 5913

C 489 L 93

Modifying annexation procedures for public hospital districts.

By Senate Committee on Government Operations  
(originally sponsored by Senator Sellar)

Senate Committee on Government Operations  
House Committee on Local Government

**Background:** The process for annexing territory to a public hospital district includes the requirement that the annexation question be submitted to the voters in the area proposed for annexation unless there are no qualified electors residing in the area.

Requiring an election is a costly and redundant exercise when over a majority of the qualified electors in an area proposed for annexation have already signed a petition calling for the annexation.

**Summary:** A hospital district may annex territory when all of the qualified electors and the owners of not less than 60 percent of the area of land in the territory proposed for annexation sign a petition calling for annexation and describing the boundaries. The hospital district commission may agree to entertain the petition, conduct public hearings and approve, by resolution, the annexation of all or less than all of the territory proposed for annexation in the petition.

**Votes on Final Passage:**

Senate	47	0	
House	98	0	(House amended)
Senate	44	0	(Senate concurred)

**Effective:** July 25, 1993

### ESB 5917

C 224 L 93

Restructuring statutes on state participation in rail freight service.

By Senators Drew, Vognild, McAuliffe and M. Rasmussen

Senate Committee on Transportation  
House Committee on Transportation

**Background:** Since 1970, Washington has lost nearly one third of its 5,200 rail miles to bankruptcies and abandonment. The cost of reinstating freight rail service once the corridor has been abandoned is prohibitive. Thus, once a corridor is lost, it is unlikely rail service will ever again be instituted.

The current rail freight service statute contains two programs: (1) an essential rail assistance program, aimed at providing state funds to keep rail service operating; and (2) an essential rail banking program, aimed at preserving the rail corridor.

The rail assistance program was created in 1983. It requires the Department of Transportation (DOT) to periodically prepare and update a state freight rail plan. The plan identifies the state's freight rail lines and analyzes those lines that are in jeopardy of losing rail service. The DOT is also directed to provide technical assistance to local governments in forming county rail or port districts, conducting abandonment cost-benefit analyses, and providing information on major freight shippers in the area.

An essential rail assistance account was established to carry out the rail assistance program. Moneys in the account may be used for: (a) acquiring, maintaining, or improving rail lines; (b) operating railroad equipment necessary to maintain essential rail service; (c) constructing transloading facilities; and (d) preserving, including operation, viable light density lines.

The moneys may be distributed to cities, county rail districts, counties or port districts only in the form of a loan. The statute requires local participation equal to 20 percent of the cost of the project. Repayment must occur within 15 years. DOT can determine the rate of interest charged.

The essential rail assistance program has been hindered by the restrictive nature of the funding provisions for local rail projects. Most local ports and rail districts seeking state assistance to preserve their freight rail lines lack sufficient resources to meet the required 20 percent local matching funds. Furthermore, these local ports and rail districts are unable to repay the loans. The statute does not give the DOT authority to forgive indebtedness, make outright grants, or waive the minimum 20 percent local participation.

The second program contained in the rail freight service statute is the essential rail banking program. The program's purpose is to allow the DOT to preserve rail



## SSB 5922

corridors threatened by abandonment for the possible restoration of rail service in the future.

To carry out the rail banking program, an essential rail banking account was established. Much like the rail assistance account, the rail banking account is very restrictive in how funds can be used. Moneys in the account may be used by DOT to (a) purchase rail rights of way; or (b) provide loans to local governments, local ports, and rail districts so that they may purchase rail rights of way.

The statute does not authorize the DOT to grant funds to local governments, nor does it expressly allow the DOT to purchase and then convey the rights of way to local governments. The provision concerning loans requires a 20 percent match by a local rail or port district, city or county. Repayment must occur within 15 years.

If the DOT wishes to purchase the line, a cost-benefit analysis first must be conducted. Upon purchasing the line, the DOT must attempt to sell the property to a local rail or port district within six years. If no buyer emerges within six years, the statute proscribes a process for the DOT to sell or convey the property.

The essential rail banking program has also been disadvantaged by the restrictive nature of the statutes. Local governments cannot afford to take on the loans to acquire the property themselves; in most cases, they cannot supply the required 20 percent down payment. Furthermore, the DOT does not wish to hold title in the rail corridor, since this increases liability exposure.

**Summary:** The rail freight service statute is modified and reorganized. The Department of Transportation (DOT) is directed to establish criteria to better prioritize rail preservation projects under the rail assistance program. The DOT must also develop guidelines for ranking projects under the rail banking program.

For both the rail assistance and rail banking programs, the DOT is authorized, but no longer required, to provide assistance solely in the form of loans. Grants are permissible, so long as the DOT retains a contingent interest in the rail lines to the extent of the funding they provide. If the DOT chooses to make a loan, the 20 percent down payment requirement is lifted, but projects are still contingent upon local participation.

Funds from the essential rail assistance account may be used by the DOT with the same limitations on use imposed upon local governments. The DOT is no longer authorized to use funds to operate rail lines, but may use funds to purchase and rehabilitate the lines. The owner of the rail lines (either the DOT or local governments) can grant trackage rights on the lines.

Funds from the essential rail banking account may be used for corridor maintenance, such as fire and weed control. The DOT is not required to conduct a formal cost-benefit analysis on rail corridors; it must, however, weigh the potential benefits of the rail banking project before committing funds. The DOT must report the expenditure

of any funds from the rail banking account immediately to the Legislative Transportation Committee.

If the DOT purchases a rail corridor with rail banking account moneys, it is no longer required to sell the corridor within six years. The DOT may lease the rail corridor, or it may choose to sell it. Any proceeds of the sale of the property are deposited back into the essential rail banking account. The DOT may convey the corridor.

An evaluation of the rail freight service programs is required in 1996.

For purposes of federal law 43 U.S.C. 912, bicycle, equestrian and pedestrian paths are included in the definition of public highways. This qualifies the state and local governments to receive federally-granted railroad rights of way.

This clause does not affect the rights of private landowners.

### Votes on Final Passage:

Senate	48	0	
House	98	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 25, 1993

## SSB 5922

C 225 L 93

Regarding the use of controlled substances by advanced registered nurse practitioners, certified nurse anesthetists.

By Senate Committee on Health & Human Services (originally sponsored by Senators Snyder, Deccio, Vognil and Newhouse)

Senate Committee on Health & Human Services  
House Committee on Health Care

**Background:** The state Board of Nursing may designate a registered nurse as an advanced registered nurse practitioner (ARNP) upon completion of advanced specialized training and certification by an approved national certification body. A Certified Registered Nurse Anesthetists (CRNA) is one type of ARNP specialty recognized by the Board.

The Board of Nursing is further authorized to grant registered nurses authority to prescribe legend drugs and schedule V controlled substances. Registered nurses, including ARNPs, are prohibited from prescribing schedule I through IV controlled substances. A registered nurse, however, may administer schedule II through IV controlled substances to patients if a physician or other authorized practitioner has ordered the use of the drug. Authorized practitioners include physicians, osteopathic physicians, podiatric physicians and dentists.

CRNAs administer anesthesia in a variety of health care settings including hospitals and outpatient surgical centers. Because of the shortage of anesthesiologists (physicians) CRNAs are widely used in rural hospitals to ad-

minister preoperative and postoperative anesthesia. There are cases where CRNAs have been selecting, ordering and administering schedule II through IV controlled substances as preoperative and postoperative anesthesia for patients without an order or signed prescription from an authorized practitioner.

In 1990, the Board of Pharmacy conducted an investigation at a rural hospital where a CRNA was selecting and ordering a schedule II controlled substance and forwarded the case to the Board of Nursing to investigate as a possible violation of prescribing prohibition in law. The Board of Nursing dismissed the case ruling that the CRNA had not prescribed the anesthesia since the drug was obtained and used on an inpatient basis. The Board of Pharmacy challenged this interpretation and concluded that the activity of selecting and ordering drugs is a prescribing activity and in violation of state law.

The Board of Pharmacy has announced that it intends to order its pharmacies to discontinue allowing CRNAs to obtain any schedule II through IV controlled substances without an order signed by an authorized practitioner. The shortage of anesthesiologists have many concerned that this action will severely reduce the availability of surgeries in many hospital and outpatient surgical centers.

**Summary:** Certified Registered Nurse Anesthetists (CRNA) are authorized to select, order or administer schedule II through IV controlled substances consistent within their Board of Nursing-recognized scope of practice. The authority is limited to administration of these drugs in hospitals, clinics, ambulatory surgical facilities or the offices of private physicians, dentists and podiatrists where diagnostic, operative, obstetrical or therapeutic procedures are involved. Facility-specific protocols concerning drug use must be observed and are defined to mean a statement of practice and documentation concerning categories of patients, medications, and operative procedures. A physician, osteopathic physician, dentist or podiatric physician must request the services of a CRNA. The act of selecting one of these drugs is defined as the decision-making process of choosing the drug, dosage, route and time of administration. Ordering is defined as the process of ordering individuals whose current statutory authority allows them to administer a drug, or to dispense, deliver or distribute the drug, to a patient pursuant to the instructions of a CRNA.

**Votes on Final Passage:**

Senate	45	0	
House	98	0	(House amended)
Senate	44	0	(Senate concurred)

**Effective:** May 6, 1993

**ESB 5925**  
**PARTIAL VETO**  
C 16 L 93 E1

Allowing lodging tax for counties with national monuments.

By Senator Snyder

Senate Committee on Ways & Means  
House Committee on Revenue

**Background:** Cities and counties are authorized to levy a special excise tax of up to 2 percent on the furnishing of lodging by hotels and motels to help finance stadium facilities, convention center facilities, performing arts center facilities, and visual arts center facilities or to secure the payment of bonds issued for these purposes. City taxes are credited against county taxes, and city and county taxes are credited against the state sales tax on the furnishing of lodging.

In addition to the general tax authorization, specific taxes are authorized for various cities and counties for various purposes. These taxes are in addition to state and local sales taxes.

The special hotel/motel tax for the county of Yakima and cities within the county is set at 2 percent.

**Summary:** The legislative body of any county with a population greater than 75,000 in which is located all or part of a national monument may levy an additional excise tax up to 2 percent on the furnishing of lodging. This tax is in addition to state and local sales taxes. Moneys collected from this tax may only be used for the acquisition, construction, repair, improvement of a rest area for tourists, and marketing of facilities for tourists visiting the national monument. The tax may only be imposed if local moneys are also provided. The Department of Revenue is required to collect the tax at no cost to the county.

The special hotel/motel tax for the Yakima area is increased to 3 percent.

**Votes on Final Passage:**

Senate	34	7	
House	83	13	(House amended)
Senate			(Senate refused to concur)
House	80	14	(House amended)
Senate			(Senate refused to concur)

**First Special Session**

Senate	34	11	
House	74	18	(House amended)
Senate	32	13	(Senate concurred)

**Effective:** August 5, 1993

**Partial Veto Summary:** The Governor vetoed the section requiring the Department of Revenue to collect the tax at no cost to the county as unnecessary because ESHB 1862 provided a more comprehensive treatment for hotel/motel tax collections.

VETO MESSAGE ON ESB 5925

May 28, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2,  
Engrossed Senate Bill No. 5925 entitled:

"AN ACT Relating to excise taxation of lodging;"

This bill relates to the assessment and usage of local option  
hotel/motel taxes.

Section 2 of this bill directs the Department of Revenue to col-  
lect the hotel/motel taxes addressed in the bill on behalf of the  
county and at no cost to the county. Section 2 is not necessary  
since revenue collection provisions of the hotel/motel tax were  
amended in Engrossed Substitute House Bill No. 1862 which I  
signed on May 15th. Engrossed Substitute House Bill No. 1862  
contains a more comprehensive treatment of hotel/motel tax col-  
lections and is designed to cover all applications of this tax. That  
bill contains the preferred wording for implementation of both  
bills.

With the exception of section 2, Engrossed Senate Bill No. 5925  
is approved.

Respectfully Submitted,

Mike Lowry  
Governor

SSB 5937

C 52 L 93

Including certain indebtedness in the calculation of the  
seven percent debt limitation.

By Senate Committee on Ways & Means (originally  
sponsored by Senators Quigley, Snyder, Gaspard, von  
Reichbauer, Vognild, A. Smith, Rinehart, McAuliffe,  
Drew, Hargrove, Sheldon, Loveland, Haugen, Erwin,  
Sutherland, Jesernig, Skratek, Spanel, Niemi, Roach,  
Hochstatter and Deccio)

Senate Committee on Ways & Means  
House Committee on Capital Budget

**Background:** The statutory 7 percent debt limit restricts  
the State Treasurer from issuing new general obligation  
bonds if the debt would cause the state's total principal and  
interest payments to exceed 7 percent of the average of  
general state revenues for the preceding three fiscal years.  
General state revenues include all treasury funds except  
taxes levied for specific purposes, fees from operation of  
facilities, trust funds, and other specified funds.

Bonds are excluded from the statutory debt limit if an-  
other funding source reimburses the general state revenues  
for the new debt service payments. These bonds are de-  
scribed as reimbursable bonds.

In the 1991-93 biennium the Legislature authorized the  
sale of reimbursable bonds for the construction of K-12

and higher education facilities. General fund property tax  
and tuition revenues dedicated to education were identified  
as the sources for reimbursement for debt service pay-  
ments. The use of these types of reimbursable bonds has  
limited the effectiveness of the constraints on general fund  
debt service growth which were intended by the statutory  
debt limit.

**Summary:** The general exclusion of reimbursable bonds  
from the statutory 7 percent debt limit is eliminated. The  
effect of the change is proactive and does not affect any  
current bond covenants.

Certain bonds are specifically excluded from the 7 per-  
cent debt limit. Reimbursable bonds authorized or issued  
before July 1, 1993 are outside the 7 percent debt limit  
consistent with current practice. Bonds reimbursed by  
money from outside the state treasury are not under the 7  
percent debt limit except those reimbursed by higher edu-  
cation operating fees.

Votes on Final Passage:

Senate	37	10	
House	98	0	(House amended)
Senate	41	8	(Senate concurred)

Effective: July 1, 1993

ESSB 5948

C 367 L 93

Modifying process and procedures for disciplining of  
health care professionals.

By Senate Committee on Health & Human Services  
(originally sponsored by Senators Deccio, Talmadge,  
Franklin, Prentice and McCaslin)

Senate Committee on Health & Human Services  
House Committee on Health Care

**Background:** Most of the state's regulated health profes-  
sions are subject to the Uniform Disciplinary Act (UDA).  
The UDA standardizes certain procedures related to the  
disciplining of health care professionals, as well as the  
range of sanctions available for imposition. The Secretary  
of Health is the disciplinary authority for 21 of the state's  
regulated health professions. Independent regulatory  
boards are the disciplinary authority for the remaining 19  
health professions regulated by the state. Currently, only  
health care assistants and the practice of pharmacy are not  
subject to the UDA.

While disciplinary procedures are standardized under  
the UDA, the application of disciplinary procedures and  
sanctions vary among the health care professions. Each  
disciplinary authority may use different standards in decid-  
ing whether to pursue disciplinary investigations. They  
may also independently choose among the various sanc-  
tions authorized in law for imposition on persons found in  
violation of the UDA.

When charges are issued against an individual for a violation of the UDA, the person charged is allowed 20 days to request a hearing. The 20-day period may be insufficient for some license holders and no provision exists for allowing an extension.

License holders in authorized substance abuse treatment programs are not subject to discipline provided they meet program conditions and successfully complete treatment. Participants suffering a lapse in treatment may be disciplined regardless of whether they are making progress toward successful completion of treatment.

A disciplinary authority may enter into an assurance of discontinuance with a license holder under the UDA in lieu of issuing a statement of charges, or conducting a hearing on any complaint. This consists of a statement of the law and an agreement by the license holder not to violate it. An assurance of discontinuance is not to be construed as an admission of any violation of the UDA. There is no provision for the parties to enter into either a formal or informal stipulated agreement in disposing of disciplinary complaints.

Currently, a disciplinary authority may levy a civil fine for unprofessional conduct not to exceed \$1,000 per violation.

Liability insurers are required to report to the Medical Disciplinary Board any physician's malpractice settlement, award or payment when there are three or more claims in a given year.

Physicians are required to pay an annual medical disciplinary assessment equal to the license renewal fee. The assessment is used to finance the cost of the Medical Disciplinary Board's disciplinary activities. The assessment is not currently charged to physician assistants who are also disciplined by the board.

The Secretary of Health is required to investigate complaints against persons for unlicensed practice, and may issue cease and desist orders after notice and hearing. However, the secretary has no authority to fine persons for unlicensed practice.

The secretary may also issue temporary cease and desist orders to persons practicing without a license after notice and hearing, and upon the determination that the person has actually practiced without a license.

Most of the disciplinary authorities do not have the ability to establish panels of board members to delegate their duties. The disciplinary authorities also do not have the authority to review and audit records of hospital quality assurance committee decisions to terminate or restrict the practice privileges of health practitioners.

The secretary is required to appoint a medical practice investigator to inspect the registration and utilization of physician assistants.

**Summary:** Health care assistants and the practice of pharmacy are subject to the Uniform Disciplinary Act (UDA).

Individuals charged with a violation of the UDA may be granted up to an additional 60 days to request a hearing

on the charges. The disciplinary authority may grant such requests for good cause.

Modifications are made in the substance abuse treatment programs. Participants suffering a setback in complying with treatment program requirements will be encouraged to continue to participate in the program, and may do so without disciplinary action, if progress is made towards successful completion of treatment.

The Secretary of Health shall develop uniform procedural rules to respond to public inquiries about complaints, investigations and final actions in disciplinary cases. Uniform procedures for conducting investigations are also required. Persons under investigation for a violation of the UDA shall be informed of the nature of the complaint, their right to legal counsel prior to making statements and that statements made by them may be used in adjudicative proceedings. Witnesses may also be informed that statements they make to investigators may be used in filing charges against the license holder, applicant or unlicensed person under investigation.

The use of the assurance of discontinuance for a disposition of a complaint is repealed and replaced with the stipulated agreement. A disciplinary authority may enter into a formal or informal stipulated agreement with a license holder where the license holder elects to forego a hearing. The formal stipulated agreement can be entered into after the filing of any charges against the license holder and contains findings of unprofessional conduct and sanctions.

An informal stipulated agreement can be entered into prior to the filing of charges and contains a statement of allegations and facts. A stipulation is not a finding of unprofessional conduct. It alleges that unprofessional conduct or unsafe practice has occurred and, if proven, would constitute grounds for discipline. The stipulation includes an agreement that specified sanctions may be imposed. The license holder may agree to reimburse the costs of the investigation up to \$1,000 per violation. Under a stipulated agreement the disciplinary authority may agree to forego further disciplinary proceedings.

Upon the request of a disciplinary authority, the Secretary of Health or designee may serve as the presiding officer during all proceedings involving disciplinary actions for violations of the UDA. This does not apply to violations of the Funeral Directors' and Embalmers' Practice Act. When the disciplinary authority for the profession involved in the proceeding is a regulatory board the presiding officer shall not have a vote on the final decision.

The maximum amount of civil fines that a disciplinary authority may assess to a violator of the UDA is raised to \$5,000.

Malpractice liability insurers are required to report to the Medical Disciplinary Board physician malpractice awards, settlements, or payment of three or more claims during a five-year period. Physician assistants are required to pay a fee to support their discipline under the UDA.

## SB 5956

The authority of the Secretary of Health to issue cease and desist orders for unlicensed practice is clarified. The secretary may issue a notice of intention to issue a cease and desist order. The alleged violator may request an adjudicative hearing. The request must be made within 20 days after service of the notice. Failure to request a hearing constitutes a default and may result in a permanent cease and desist order, and may include a fine of up to \$1,000 for each day of unlicensed practice. The secretary may also issue an immediate temporary cease and desist order if the public interest will be irreparably harmed by a delay. The alleged violator shall be given the opportunity to a prompt hearing following issuance of the order.

The health profession regulatory boards are allowed to form subcommittees to conduct business.

The disciplinary authorities are allowed access to the records of quality assurance committees in hospitals. The records are generally not subject to discovery or introduction in civil actions, except under certain circumstances.

The position of medical practice investigator is repealed.

Changes of a technical nature are made involving statutory references, language corrections, and the repeal of conflicting statutes.

### Votes on Final Passage:

Senate	49	0	
House	88	0	(House amended)
Senate			(Senate refused to concur)

### Conference Committee

House	93	0
Senate	43	0

Effective: July 25, 1993

## SB 5956

C 5 L 93

Establishing a commission on ethics in government and campaign practices.

By Senators Gaspard, Sellar, Sutherland, Bauer, Spanel, M. Rasmussen, McAuliffe and von Reichbauer; by request of Governor Lowry and Attorney General

**Background:** There appears to be a public mistrust of government. The Governor has declared that a "major issue is the confidence of people in their government."

**Summary:** A Commission on Ethics in Government and Campaign Practices is established. The commission shall study and make recommendations on legislation to: (a) promote public trust and confidence in government; (b) promote fair campaign practices; and (c) ensure the effective administration of public disclosure, conflict of interest, and ethics laws.

The 17-member commission shall include ten citizen members appointed by the Governor and shall also include the Governor or his or her designee; the Attorney General

or his or her designee; two members of the House of Representatives from different political parties appointed by the Speaker of the House; two members of the Senate from different political parties appointed by the President of the Senate; and the Chief Justice of the Supreme Court or his or her designee. The Governor and the Attorney General shall within 60 days after the effective date of the act convene the commission and appoint a chair or chairs from among the citizen members.

The commission is authorized to retain the services of experts and consultants and support staff. The commission shall provide a report no later than December 1, 1993. The commission expires on March 31, 1994.

Appropriation: \$100,000

### Votes on Final Passage:

Senate	47	0
House	96	0

Effective: March 12, 1993

## SSB 5957

C 276 L 93

Changing the tax rate for intermediate care facilities for the mentally retarded.

By Senate Committee on Ways & Means (originally sponsored by Senator Rinehart; by request of Department of Social and Health Services)

### Senate Committee on Ways & Means

**Background:** Over the past several years, many states began to use health care provider-specific taxes to help finance their Medicaid programs. Such taxes can be acceptable to providers who do a large amount of Medicaid business, because their tax cost can often be reimbursed in full as part of their Medicaid rate. These taxes are attractive to states because the state receives all of the tax receipts, but only pays the state Medicaid share of the reimbursement to providers. The federal share of the Medicaid reimbursement becomes a net gain to the state.

The 1992 Legislature enacted a 15 percent provider-specific tax on Medicaid intermediate care facilities for the mentally retarded, or IMRs. IMRs include five of the six state-operated developmental disabilities institutions, five nursing home-licensed facilities, and 19 group homes. The tax was expected to result in a \$19.5 million net gain to the state general fund this biennium.

New federal regulations have been issued on provider-specific taxes. These regulations establish new requirements for federal reimbursement on any tax in excess of 6 percent. Washington's IMR tax does not meet those new requirements. Unless the tax rate is lowered to 6 percent by April 1, 1993, the federal government will no longer reimburse the cost of the tax. This would result in a net loss to the state general fund of approximately \$1.4 million this

biennium, and approximately \$11 million during the 1993-95 biennium.

The new regulations require states to tax community residences for the mentally retarded covered under a Medicaid waiver, provided that, as of December 24, 1992, at least 85 percent of such facilities were IMRs prior to the grant of the waiver. Washington's developmental disabilities group homes do not meet this requirement, and therefore may not be taxed.

**Summary:** The tax rate on IMR facilities is lowered from 15 percent to 6 percent when the Secretary of Social and Health Services certifies that the 15 percent rate is no longer eligible for federal financial participation. The secretary is not delegated the authority to determine what activities are to be taxed, or the tax rate.

**Votes on Final Passage:**

Senate 48 0

House 94 0

**Effective:** July 1, 1993

## SSB 5963

C 490 L 93

Providing for priority programming of multimodal solutions to address state highway deficiencies.

By Senate Committee on Transportation (originally sponsored by Senators Vogtild, Loveland, Newhouse and Nelson; by request of Department of Transportation)

Senate Committee on Transportation  
House Committee on Transportation

**Background:** Anticipated transportation revenues will fall substantially short of the amount required to satisfy all transportation needs. In order to make the key tradeoffs and choices required for resource allocation decisions, RCW 47.05 prescribes that the Transportation Commission use a priority programming system to rank the selection of projects.

Under the priority programming scheme, there are four construction program categories: system preservation and safety (Program A), interstate system (Program B), non-interstate capacity improvements (Program C), and bridge replacement and rehabilitation (Program H).

An overhaul of the Washington State Department of Transportation's (DOT) approach to programming and prioritization is deemed necessary to incorporate and respond to recent changes in approach being implemented at the state and federal levels. There is no clear and explicit linkage between many of the policy objectives in the State Transportation Policy Plan (e.g. personal mobility, economic development, growth management, environmental protection, etc.) and the existing programming and prioritization process.

In order to promote flexibility in the selection of solutions to identified deficiencies, regardless of mode or juris-

dition, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) has changed the federal funding program structure.

Also, requirements and policy objectives reflected in recent state and federal legislation concerning growth management, demand management, and air quality require fresh approaches for addressing transportation needs.

And more generally, as highway programs become more complex and diverse, there has been a shift promoting management of existing capacity and multimodal solutions.

**Summary:** The intent section of RCW 47.05 is revised to promote solutions to deficiencies both on and off the state highway system, including nontraditional, multimodal solutions. The objectives of the priority programming system are: transportation of people and goods, preservation of the existing state highway system, support of the state's economy, and promotion of environmental protection and energy conservation.

Priority programming selection criteria reflect a regional emphasis as required by the Growth Management Act (GMA) and ISTEA.

The priority programming system shall incorporate a broad range of solutions as identified in the statewide multimodal transportation plan including: highway expansion, efficiency improvements, nonmotorized transportation facilities, high occupancy vehicle facilities, transit facilities and services, rail facilities and services, and transportation demand management programs.

In order to target intrastate investments under ISTEA, programs are reduced to two categories: preservation and improvement.

The preservation program shall consist of investments needed to preserve the existing state highway system and to restore existing safety features. A comprehensive six-year investment program for preservation shall identify projects for two years and an investment plan for the remaining four years.

The improvement program shall consist of investments needed to address identified deficiencies on the state highway system to improve mobility, safety, support for the economy, and protection of the environment. A comprehensive six-year investment program for improvements shall identify projects for two years and major deficiencies proposed to be addressed during the six-year period.

Analysis of investment trade-offs is established between the preservation and improvement programs. These choices are linked to policy and service objectives. Performance measures and monitoring systems shall be implemented for specific program objectives in order to determine the extent to which the program objectives were met.

The commission shall, in consultation with DOT, set forth a needs analysis process for the identification of problems and deficiencies, the evaluation of alternative solutions and tradeoffs, and the estimation of the costs and benefits of prospective projects.



## ESSB 5966

Protection of the state's investment is perpetuated by using lowest life cycle costing, which is an important factor for determining investment priorities.

The Transportation Commission shall work with affected local jurisdictions to designate a freight and goods system. This statewide system shall include state highways, county roads, and city streets. The commission shall review and make recommendations to the Legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods. The first report is due by December 15, 1993 and biennially thereafter.

Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based on updated project data. Reprioritizing projects may be delayed or cancelled by the commission if higher priority projects are awaiting funding.

Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or cancelled by the Transportation Commission if higher priority projects are awaiting funding.

### Votes on Final Passage:

Senate	48	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 25, 1993

## ESSB 5966

C 3 L 93 E1

Concerning the state veterans' homes.

By Senate Committee on Ways & Means (originally sponsored by Senators Rinehart, Haugen and M. Rasmussen; by request of Department of Veterans Affairs)

Senate Committee on Ways & Means

**Background:** The Department of Veterans Affairs operates two state facilities which provide long-term care for veterans and their spouses: the Soldier's Home at Orting, which has approximately 175 residents; and the Veterans' Home at Retsil, which has 325 residents. Both homes are presently funded with a combination of state general funds, payments from the federal Department of Veterans Affairs, and contributions from the residents' incomes.

Approximately two-thirds of the residents of these homes would be eligible for Medicaid payments if the homes were certified as nursing homes. Both Governor Lowry's budget proposal, and the 1993-95 budget passed by the Senate, assume that parts of both homes will be Medicaid certified by July 1, 1993. This will save about

\$6.5 million of state general funds in 1993-95, through replacement with federal Medicaid payments.

Residents of the two homes are able to retain about \$180 of their monthly income for personal use. All income in excess of \$180 is deposited into a revolving fund, for use on purposes the home's superintendent and resident council determine will benefit the residents.

Under state and federal Medicaid rules, all of a nursing home resident's income in excess of a defined personal needs allowance must be used to offset the cost of his or her nursing home care. Under state and federal regulations, the personal needs allowance is \$90 per month for veterans and about \$43 per month for all other residents in private nursing homes. The Department of Social and Health Services and the Department of Veterans Affairs are attempting to obtain clarification from the federal government regarding which amount would apply for a veteran in a state-operated veterans' facility.

**Summary:** The Department of Veterans Affairs is authorized to operate nursing care units at the two veterans' homes as Medicaid nursing homes, under contract with the Department of Social and Health Services. Statutory language regarding eligibility for residence in the homes is clarified.

The Department of Social and Health Services and the Department of Veterans Affairs are to seek federal approval to set the personal needs allowance for nursing care residents at \$160 per month. If approval is not granted, the allowance for nursing care residents is \$90.

There is to be an elected residents council at each home to advise the director of Veterans Affairs on all aspects of the home's operation. The council must approve expenditures from the home's benefit fund.

### Votes on Final Passage:

Senate	36	9	
House	94	0	(House amended)
Senate			(Senate refused to concur)
House	98	0	(House amended)

### First Special Session

Senate	38	8
House	96	1

Effective: July 1, 1993

## 2ESSB 5967

### PARTIAL VETO

C 25 L 93 E1

Increasing state revenues.

By Senate Committee on Ways & Means (originally sponsored by Senator Rinehart; by request of Governor Lowry)

Senate Committee on Ways & Means  
House Committee on Revenue

**Background: SALES AND USE TAX**

The state retail sales tax is imposed on each retail sale of tangible personal property and some services. Taxable services include construction, repair, telephone, and some recreation and amusement services. The tax rate is 6.5 percent and is applied to the selling price of the article or service. The use tax is imposed on the use of tangible personal property when the sale of the property has not been subject to the sales tax. The tax rate is 6.5 percent and is applied to the value of the article used (generally the selling price). The use tax generally applies to purchases made outside the state. In addition, local sales and use taxes also apply.

**SALES TAX EXEMPTIONS**

Currently sales of feed, seed, seedlings, fertilizer, and spray materials to farmers are exempt from the sales and use tax when the products are used to grow any agricultural product for sale at wholesale.

The sales and use tax does not apply to sales of prescription drugs.

Residents of a state, possession, or Canadian province that does not impose a sales tax of 3 percent or more are exempt from Washington sales tax on purchases in this state of tangible personal property for use outside this state.

**SALES TAX DEFERRAL**

Current law authorizes the deferral of sales and use tax on plant and equipment investments by manufacturing and research and development firms in distressed counties and by new manufacturers and aluminum firms statewide. These firms are allowed to defer sales and use tax for three years after completion of the project followed by repayment over five years. Sales tax on labor in distressed areas is not repaid. A \$1,000 business and occupation tax credit is available for each new job created above a 15 percent growth rate by manufacturing and research and development firms in distressed areas as an alternative to the deferral program. These programs are due to expire July 1, 1994.

**BUSINESS AND OCCUPATION TAX**

The business and occupation tax is imposed on the gross receipts of all business activities (other than public utilities) conducted within the state. There are no deductions for the costs of doing business. Although there are 10 separate rates, the three principal rates are:

Manufacturing, wholesaling, & extracting	0.484%
Retailing activities	0.471%
Service activities	1.50%

Magazine and periodical publishing is taxed at a business and occupation tax rate of 0.484.

**REAL ESTATE EXCISE TAX**

The real estate excise tax applies to sales of real property and is collected when the sale document is recorded with the county. The tax rate is 1.28 percent of the selling price. Most local governments impose an additional rate of 0.25 percent. Additional local options are available.

If real estate is owned by a partnership or corporation, a sale of a controlling interest in the partnership or corpora-

tion can effectively transfer control of real estate without creating tax liability. Many transactions are structured in this manner to avoid real estate excise taxes.

**INSURANCE PREPAYMENTS TAXES**

Health maintenance organizations, with their own employee medical staff, and health care service contractors without medical staff are subject to the business and occupation tax on their gross income at a rate of 1.5 percent. The health care reform legislation exempts health maintenance organizations and health care service contractors from the business and occupation tax and subjects them to a 2 percent tax on prepayments similar to the insurance premiums tax, effective January 1, 1996.

**INSURANCE PREMIUMS TAX CREDIT**

The Washington Insurance Guaranty Association Act and the Washington Life and Disability Insurance Guaranty Association Act each created an insurance guaranty association that provides for the payment of claims under policies and contracts of insolvent insurers. Insurance companies that contribute to one of these associations may offset the amount of their contributions against their insurance premium taxes owed to the state over a five-year period.

**RESALE CERTIFICATES**

Sales for resale are exempt from sales tax if the buyer has a resale certificate. A significant cause of sales tax avoidance is the abuse of resale certificates by persons in business who purchase items for their own use free of tax.

**CONTRIBUTIONS IN AID OF CONSTRUCTION**

The state subsidizes the capital costs of public entities by allowing a deduction from the business and occupation tax and the public utility tax for income from charges to customers for capital purposes.

**Summary: SALES AND USE TAX**

State and local retail sales taxes are extended to the sale of selected personal services. Services subject to tax include the use of coin operated laundry facilities in apartment houses, hotels, trailer camps, and tourist camps, landscape maintenance and horticultural services other than horticultural services provided to farmers, service charges associated with tickets to professional sporting events, guided tours and guided charters, physical fitness services, tanning salon services, tattoo parlor services, massage services, steam bath services, turkish bath services, escort services, and dating services. In addition, the rental of equipment with an operator is also subject to sales tax. Because these services are subject to sales tax, the service provider's business and occupation tax will decrease from the services rate of 1.50 percent to the retailer's rate of 0.471 percent.

**SALES TAX EXEMPTIONS**

The sales tax exemption for sales of feed, seed, seedlings, fertilizer, and spray materials to farmers is expanded to include enhanced pollination agents (bees) and applies whether or not the products are used to grow agricultural products for sale at wholesale.

The sales and use tax exemption for prescription drugs is expanded to include contraceptives.

The nonresident sales tax exemption is limited to residents of a state, possession, or Canadian province that is contiguous to the state of Washington.

**SALES TAX DEFERRAL**

The state sales tax deferral and business and occupation tax credit programs are extended until July 1, 1998.

Neighborhood reinvestment areas are added to the areas in which sales and use tax deferrals are available under the distressed county deferral program and the business and occupation tax credit program. Neighborhood reinvestment areas are defined as areas that are designated to receive federal, state, or local assistance to increase economic activity, have high unemployment rates, and have a preponderance of low-income households.

Eligibility under the statewide deferral program is expanded to include pulp and paper plants that were in operation before 1960 and located in a county with a population between 40,000 and 70,000.

Eligibility under the business and occupation tax credit program is also expanded to include subcounty areas that are timber distressed areas.

**BUSINESS AND OCCUPATION TAX**

The business and occupation tax rate on selected business services is increased from 1.5 percent to 2.5 percent, the business and occupation tax rate on banking, loan, security, investment management, investment advisory, or other financial businesses is increased from 1.5 percent to 1.7 percent, and the business and occupation tax rate on all other services is increased from 1.5 percent to 2.0 percent. Services subject to the tax on selected business services include the following:

- Stenographic, secretarial, and clerical services
- Computer services, including computer programming, custom software modification, custom software installation, custom software maintenance, custom software repair, training in the use of custom software, computer systems design, and custom software update services
- Data processing and information services, but excluding information services to the media through an information network
- Legal, arbitration, and mediation services, including paralegal services, legal research services, and court reporting services
- Accounting, auditing, actuarial, bookkeeping, tax preparation, and similar services
- Design services whether or not performed by persons licensed or certified, including engineering services and architectural services
- Business consulting services, including administrative management consulting, general management consulting, human resource consulting or training, management engineering consulting, management information systems consulting, manufacturing management con-

sulting, marketing consulting, operations research consulting, personnel management consulting, physical distribution consulting, site location consulting, economic consulting, motel, hotel, and resort consulting, restaurant consulting, government affairs consulting, and lobbying

- Business management services, including administrative management, business management, and office management, but excluding property management or property leasing, motel, hotel, and resort management, or automobile parking management
- Protective services, including detective agency services and private investigating services, armored car services, guard or protective services, lie detection or polygraph services, and security system, burglar, or fire alarm monitoring and maintenance services
- Public relations or advertising services, including layout, art direction, graphic design, copy writing, mechanical preparation, opinion research, marketing research, marketing, or production supervision, but excluding services provided as part of broadcast or print advertising
- Aerial and land surveying, geological consulting, and real estate appraising

In addition to the permanent tax increases, a 6.5 percent surtax is imposed for four years on all business and occupation tax classifications except selected business services, financial services, and retailing.

The special business and occupation tax rate of 0.484 on magazine and periodical publishers is eliminated.

**REAL ESTATE EXCISE TAX**

The real estate excise tax is extended to the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property in this state. The tax is imposed on the value of the real property transferred.

**INSURANCE PREPAYMENTS TAXES**

Health maintenance organizations and health care service contractors are exempt from the business and occupation tax and subject to a 2 percent tax on prepayments similar to the insurance premiums tax, effective January 1, 1994, instead of January 1, 1996, and the revenues are deposited into the state general fund for this period.

**INSURANCE PREMIUMS TAX CREDIT**

Insurers will not be able to claim the insurance premium tax offset for any assessments made by state guaranty associations after April 1, 1993.

**RESALE CERTIFICATES**

Resale certificates are limited to specific items and are valid for only four years. The abuse of a resale certificate is subject to a penalty of 50 percent of the amount of tax due.

**CONTRIBUTIONS IN AID OF CONSTRUCTION**

The deduction from the business and occupation tax and the public utility tax for income from charges to customers for capital purposes is eliminated.

## MISCELLANEOUS

The State Treasurer, based on information provided by the Department of Revenue, is required to transfer revenues generated under this act during the biennium that exceed the amounts projected to be generated.

## Votes on Final Passage:

Senate	25	24	
House	50	48	(House amended)

## First Special Session

Senate	26	19	
House	52	39	(House amended)
Senate			(Senate refused to concur)

## Conference Committee

House	50	48	
Senate	26	22	
Effective:	May 28, 1993		(Sections 901 & 902)
	July 1, 1993		
	January 1, 1994		(Sections 601-603)

**Partial Veto Summary:** The following provisions were vetoed: (1) The limit of the nonresident sales tax exemption to residents of a state, possession, or Canadian province that is contiguous to the state of Washington; (2) the expansion of eligibility under the statewide sales tax deferral program to include pulp and paper plants that were in operation before 1960 and that are located in a county with a population between 40,000 and 70,000; and (3) the requirement that the State Treasurer transfer to the budget stabilization account the revenues generated under the act during the biennium that exceed the amounts projected to be generated.

## VETO MESSAGE ON 2ESSB 5967

May 28, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 306, 405, 406, 407, and 1001, Second Engrossed Substitute Senate Bill No. 5967 entitled:

"AN ACT Relating to taxation;"

Section 306 amends current law which provides a sales tax exemption for property purchased for use outside this state by nonresidents of Washington who live in a state or Canadian province with a sales tax rate of less than three percent by adding the requirement that the beneficiary state be "contiguous to the state of Washington." This would effectively limit the exemption to only Oregon residents.

This amendment presents a constitutional problem, since there does not appear to be a rational basis for distinguishing between residents of noncontiguous states and residents of contiguous states. If a successful class action lawsuit was brought on behalf of all affected parties, the state's costs for administering any payout to members of the class could be substantial.

While I agree that amending current law is necessary, I have vetoed this section because I am concerned with the possible unconstitutionality of this amendment and the consequences of potential lawsuits. Therefore, I will ask the Department of Revenue to develop legislation which addresses the proponents con-

cerns and avoids the constitutional problems for consideration during the 1994 Legislative Session.

Sections 405, 406, and 407 extend the sales and use tax deferral program of chapter 82.61 RCW to include any pulp and paper products plant in operation prior to 1960 and located in a county with a population between 40,000 and 70,000. It was the intent of the sales tax deferral program to encourage new business locations in the state, not to provide a tax break for existing businesses. These sections were not intended to benefit the pulp and paper products industry generally; rather, these criteria were very carefully drawn in order to limit availability of the deferral program to a single taxpayer.

However, the impact could be significantly greater because several taxpayers potentially qualify for the program. Counties that are eligible based on the population range of 40,000 to 70,000 are Chelan, Clallam, Grant, Grays Harbor, Island, Lewis, and Walla Walla. At least four pulp and paper products companies located in these counties were in operation prior to 1960. In addition, there are 21 other pulp and paper products companies that were established prior to 1960, but which are headquartered in non-eligible counties. If any of these 21 other companies also have a plant in an eligible county, they could potentially qualify.

For these reasons, I have vetoed section 405, 406, and 407.

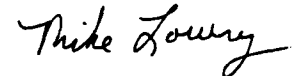
Sections 1001 requires the Department of Revenue to determine the amount of revenue generated in excess of projections during the biennium as a result of this act. The State Treasurer would transfer the excess revenue from the general fund to the budget stabilization account. If actual revenue collections exceed the forecast, the Legislature can always choose to make transfers to the budget stabilization account. Therefore, it is not clear why this section is needed.

In addition, this section would require costly and burdensome accounting procedures for the Department of Revenue and would require the department to make unreasonable, and in some cases impossible requests for information from taxpayers. The Department of Revenue already has the capability to measure these and other revenues by other means which are less costly to administer and do not place unreasonable burdens on taxpayers.

For these reasons, I have vetoed section 1001. However, in line with the intent of this section, I am directing the Department of Revenue to report quarterly how well estimates for all of these revenue sources are tracking.

With the exception of sections 306, 405, 406, 407, and 1001, Second Engrossed Substitute Senate Bill No. 5967 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

SSB 5968

PARTIAL VETO

C 24 L 93 E1

Making appropriations.

By Senate Committee on Ways & Means (originally sponsored by Senators Rinehart and Gaspard; by request of Office of Financial Management)

Senate Committee on Ways & Means  
House Committee on Appropriations

**Background:** The operations of the agencies and institutions of state government are funded by an omnibus appropriations act that authorizes specified expenditures for each state agency for the two-year fiscal period beginning on July 1 of odd-numbered years. Appropriations are made from the state General Fund as well as numerous other dedicated funds and accounts. Separate appropriations bills are enacted for transportation agencies and for capital construction projects.

**Summary:** The omnibus biennial appropriations act is enacted for the fiscal period beginning July 1, 1993, and ending June 30, 1995. Total state General Fund appropriations for the 1993-95 fiscal biennium are \$16.1 billion.

**Votes on Final Passage:**

Senate	27	22	
House	57	41	(House amended)

**First Special Session**

Senate	26	18	
House	54	37	(House amended)
Senate			(Senate refused to concur)

**Conference Committee**

House	52	46
Senate	26	22

**Effective:** July 1, 1993

**Partial Veto Summary:** The Governor vetoed 29 provisions which placed restrictions on the use of funds appropriated by the bill. For more information, see the Legislative Budget Notes.

**VETO MESSAGE ON SSB 5968**

May 28, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 121(2); 125(1), (2); 202(7); 204(2)(d); 205(4)(a)(iii), (4)(b)(lines 12-17), (4)(b)(iii), (4)(b)(iv); 207(2); (3); 209(10); 217(1), (3), (4), (7), (8), (9); 226 lines 22-24; 229(16); 305(1); 308(1), (2), (4), (9); 501(1)(d); 707 line 14; 904; and 905(1) of Substitute Senate Bill No. 5968, entitled:

"AN ACT Relating to fiscal matters;"

My reasons for vetoing these sections are as follows:

**Section 121(2), page 7, Performance Audits, (State Auditor)**

Sections 121(2) provides \$200,000 in appropriation authority from the Audit Services Revolving Account for the State Auditor to cover the costs of that agency's involvement in the three performance audits required in Section 904. Since I am also vetoing Section 904, I will ask the State Auditor to place these funds in reserve in recognition of this veto.

**Section 125(1), page 9, Report on Implementation of Reductions (Office of Financial Management)**

This subsection requires the Office of Financial Management to compile agency reports relating to implementation of budget reductions and efficiencies, and to submit those reports to the Legislature by December 1, 1993. Although I understand the Legislature's interest in these issues, the proviso as written is vague as to the intent and content of these reports. The existing allotment process represents the agencies' spending plan under the new budget and will be available long before the December

deadline. I am willing to work with the Legislature to see that their interest for budget implementation formation is met, but I'm reluctant to impose a significant workload on agencies without more specific objectives.

**Section 125(2), page 9, Administrative Cost Reporting System (Office of Financial Management)**

Subsection 125(2) requires OFM to develop and implement a state-wide reporting system in support of the administrative detail required in section 904 (Performance Audits). Since I am vetoing section 904, the specific reason for this reporting system requirement in OFM is eliminated.

I do, however, share the Legislature's interest in uniform accounting practices and a more consistent approach to the reporting of administrative costs. I will instruct the Office of Financial Management to review our existing reporting structure and to work with legislative staff on possible improvements.

**Section 202(7), page 19, Child Care Rates (Children and Family Services, Department of Social and Health Services)**

This subsection requires the Department of Social and Health Services to reimburse child care providers at the 75th percentile of the 1992 market rate on a phased-in basis beginning on December 1, 1993. I am vetoing this subsection because there is a technical error in the proviso language. It should read "at the 75th percentile or the provider's usual rate, whichever is lower..." I am directing the Department of Social and Health Services to comply with the intent of the proviso to implement changes in child care rates beginning December 1, 1993.

**Section 204(2)(d), page 23, Stop-Loss Arrangement (Mental Health, Department of Social and Health Services)**

This subsection directs the Department of Social and Health Services to establish contractual relationships with the Regional Support Networks that protect against increased admissions to state hospitals of clients who are eligible for services from other programs in the agency. If the client population exceeds 110 percent of the 1991-93 average level, these other programs must bear the cost of care. I recognize the issue of dually diagnosed clients is troublesome and must be addressed; however, these programs have not been funded at levels sufficient to meet the stop-loss requirement without reducing services to current clients. I am vetoing this subsection, but I am directing DSHS to strengthen the existing collaborative agreements with the Regional Support Networks to ensure the client census is maintained at less than 110 percent of the average utilization during Fiscal Year 1993.

**Section 205(4)(a)(iii) page 24, Client Assessments (Developmental Disabilities, Department of Social and Health Services)**

This subsection requires the Department of Social and Health Services to assess each Residential Rehabilitation Center client to determine the level of support necessary to meet the client's needs. There are insufficient time and resources to complete this requirement, and it is unnecessarily duplicative of existing assessment tools. I am vetoing this subsection, but I am directing the Department to complete an independent assessment for each individual who is being moved into the community.

**Section 205(4)(b)(lines 12-17), (4)(b)(iii), and (4)(b)(iv), page 25, Community Residential Services Reconfiguration (Division of Developmental Disabilities, Department of Social and Health Services)**

This subsection requires the Department of Social and Health Services to reduce the per capita costs of community residential services programs by 6.7 percent during the last 18 months of the 1993-95 Biennium below the amount expended during the last quarter of the current biennium. While I acknowledge these savings must be achieved, subsection (b) and sub-subsections (b)(iii) and (b)(iv) are overly cumbersome, limit the Department's flexibility to manage its resources, and do not provide sufficient time to accomplish their purpose. I am vetoing lines 12 through 17 and 25 through 32, but in order to ensure these savings are

*maintained consistent with legislative intent, I am directing the Department to explore other means to achieve this reduction, such as implementing the reduction on an earlier date.*

**Section 207(2), page 27, State Supplementary Income Payments (Income Assistance, Department of Social and Health Services)**

*This subsection would reduce state supplementary payments to 80,000 blind, disabled, and elderly Washington residents. The current fiscal situation has forced us to make very difficult choices, many of which directly affect people who rely on state services. Nonetheless, I cannot in good conscience approve a measure to reduce state support for these individuals, who are truly our most vulnerable residents. Furthermore, it would be extremely difficult to administer these payments in such a way as to maintain the current spending level while the caseload increases without jeopardizing all federal Title XIX funds. I have therefore directed the Department of Social and Health Services to allocate these funds in accordance with current policy.*

**Section 207(3), page 27, Public Assistance (Income Assistance, Department of Social and Health Services)**

*This section would require that the Department of Social and Health Services eliminate the "100-hour rule" for two-parent families receiving aid to families with dependent children. Since this rule acts as a disincentive for families to work, I fully support the intent of this subsection. However, funds for the implementation of this rule change are not included in the budget. Therefore, I am vetoing this subsection and directing the Department to pursue a federal waiver of this rule. I intend to recommend funding in the 1994 legislative session to eliminate the "100-hour rule."*

**Section 209(10), page 30, Chiropractic Services (Medical Assistance, Department of Social and Health Services)**

*This proviso earmarks \$3,372,000 General Fund-State to provide chiropractic services for Medical Assistance clients. I am vetoing this subsection because no additional funding has been provided for these services. The Department of Social and Health Services cannot reinstate these services within appropriated funding.*

**Section 217(1), (3), (4), (8), and (9), page 34-36, General-Fund State Appropriations (Department of Community Development)**

*Subsections 1, 3, 4, 8, and 9 restrict use of 38 percent of the Department's General Fund-state budget. The language for each of these subsections was intended to allow the Department Flexibility to manage the nonspecific General Fund-State budget reductions. However, conflicting legal interpretations of the language make a veto necessary to ensure the needed flexibility. I am directing the Department to honor the purpose of the proviso language for each subsection by allocating the nonspecific reductions as uniformly as possible. Therefore, I am directing the Department to provide substantially similar funding levels for emergency food assistance, food stamp outreach, the Seattle Children's Museum, emergency medical support for Mt. St. Helens' National Monument, emergency shelter assistance, and growth management grants.*

**Sections 217(7), page 36, Federal and Private Grant Assistance (Department of Community Development)**

*Subsection 7 requires the Department to use existing staff resources to research the availability of economic development grants. In addition the Department is required to assist state and local organizations to research the availability of these grants. The economic development budget at the Department has been reduced by 20 percent. At the same time, the expectation is for the economic development program to provide essentially the current service level to federal timber dependent communities, to implement the requirements of House Bill 1493 pertaining to women and minority owned businesses, and to maintain a statewide program. Although the Community Finance staff attempt to maximize*

*the use of all resources for economic development, the proviso places an undue burden on the existing resources and sets up expectations that will be difficult to meet. Although I am vetoing this proviso, the Department is directed, within available resources, to provide assistance as required by this proviso.*

**Section 226, lines 22-24, page 43, (Department of Corrections)**

*This proviso requires the Department to address the mental health needs of inmates within existing resources. I believe this is an unrealistic expectation. My budget recommendation would have provided \$2,900,000 to begin the expansion of mental health services for offenders. There are an estimated 1,100 mentally ill offenders in Washington's prison system. These offenders generally receive longer sentences, serve more of their total sentence, receive more infractions, and are housed under a higher security level than the rest of the inmate population and are therefore much more expensive to house. If we wish to slow the growth in our prison costs, we must invest the required funding for this program. In vetoing this proviso I am urging the Legislature to recognize these needs with actual funding in future sessions.*

**Section 229(16), page 45, (Employment Security Department)**

*This proviso earmarks \$2,000,000 (Employment and Training Trust Fund) for operation of 13 job service centers located in community and technical college campuses. I am vetoing this subsection to maximize the Employment Security Department's flexibility to use its resources to provide a broad range of services across the state and meet the legislative intent contained in Engrossed Substitute House Bill 1988. I will ask that seven co-located Job Service Centers be established in the 1993-95 Biennium.*

**Section 305(1), page 50, Puget Sound Water Quality Management Plan (State Parks and Recreation Commission)**

*A technical error was made in the proviso language in this section. The Legislature has provided funding to the State Parks and Recreation Commission for its Plan-related activities out of the Aquatic Lands Enhancement Account (ALEA). This section incorrectly provisos General Fund-State moneys for this purpose. Although I am vetoing this proviso, the \$189,000 in ALEA funds must be spent for Plan activities.*

**Section 308(1), (2), and (4), page 52, European Trade Office, Washington Technology Center, and the Clean Washington Center (Department of Trade and Economic Development)**

*I strongly believe that these programs are valuable, productive elements of the state's economic development program. However, the budget for the Department passed by the Legislature will force a reevaluation of all economic development programs and a reprioritization of currently available funding. The programs specified in this section represent approximately one-third of the Department's total budget. I have vetoed these sections not because I believe the programs specified herein should necessarily suffer further budget reductions, but because I believe that they should not be protected or excluded from the comprehensive program and budget evaluation which the Department must conduct. I am directing the Department to honor the purpose of the proviso language for the European Trade Office, the Clean Washington Center, and the Washington Technology Center within this context.*

**Section 308(9), page 53, Engrossed Substitute House Bill 1493 — Minority and Women-Owned Businesses (Department of Trade and Economic Development)**

*The Legislature intended to fund the programs established in Engrossed Substitute House Bill 1493 using federal dollars transferred from the Washington Economic Development Finance Authority (WEDFA) account. The transfer from WEDFA to the General Fund-Federal account was not included in the appropriation bill and the proviso language in this section incorrectly specifies General Fund-State to implement ESHB 1493. I will*



seek a supplemental budget change to correct this error and make the federal funds available for these programs.

**Section 501(1)(d), page 63, Demonstration Project (Superintendent of Public Instruction)**

I am vetoing this proviso because it would require the Superintendent of Public Instruction to spend federal Chapter 2 funds in a manner inconsistent with federal government rules and statutes by supplanting state funds that previously funded special education demonstration projects. The Superintendent of Public Instruction has indicated that other available funds have been identified to meet the needs of the special services demonstration projects this proviso was intended to satisfy.

**Section 707, page 97, line 14, Basic Data Account Transfer to the Tort Claims Revolving Fund**

A transfer of \$16,000 is made from the Basic Data Account into the Tort Claims Revolving Fund. The inclusion of the Basic Data Account in the funds that will be transferred into the Tort Claims Revolving Fund was an error. The transfer should have been from the Lottery Administration Account. Transfer from the correct fund will need to be made in the 1994 supplemental budget.

**Section 904, page 113, Performance Audits**

On May 15, 1993, I signed into law the Accountability in Government Act of 1993 (Engrossed Substitute House Bill 1372). That new law starts Washington down the road toward performance-based government. It requires agencies to identify measurable, outcome-based objectives for each major program. It also directs the Office of Financial Management to prepare a plan for determining how well agencies are meeting those objectives. I strongly support performance-based government; my office worked directly with the Legislature in the development of this legislation. OFM will involve the Legislature and executive agencies in implementing ESHB 1372.

Section 904 is directly tied to ESHB 1372. But the work required by the bill must be completed before the three audits mandated by Section 904 can be carried out. OFM and state agencies need time to develop reliable program objectives and the plan to apply those objectives to tangible products, like performance audits, as envisioned in ESHB 1372. The audit requirements of Section 904 are, therefore, premature. For this reason, I have vetoed Section 904.

**Section 905(1), page 114, Lease/Purchase Financing Agreements**

Section 905(1) would require that the Office of Financial Management review all agency requests for the acquisition of equipment by lease/purchase financing agreements to ensure that 1) the method of acquisition offers a significant financial advantage to the state, and 2) the term of the installment contract does not exceed the useful life of the item being purchased. I am vetoing this subsection because under current procedures, the Office of State Treasurer (OST) reviews all agency requests for lease/purchase to ensure that the purchases meet these criteria. I will direct OFM to work with the OST and to manage the allocation of the \$35 million limit on lease/purchases from the General Fund, as was done during the 1991-93 Biennium.

Although this concludes my list of vetoes, I want to register concerns with two sections that I have signed with reservation:

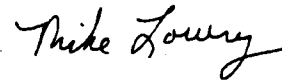
Section 715 directs payment of an industrial insurance death benefit. While I am in sympathy with the facts of this particular case, I am strongly opposed to using the relief process as a way to pay denied industrial insurance claims. I hope that in the future the legislature will not use the sundry claims process to reserve final decisions of this type, but rather will address the underlying question of whether changes in industrial insurance laws and appeals procedures are needed.

Section 924 eliminates the General Fund-State transfer to the Water Quality Account for the 1993-95 Biennium. I believe clean water is vitally important. I also believe it is important to have a stable level of state funding that will enable local governments to

dedicate sizable portions of their own resources to clean water efforts and to achieve mandated state and federal water quality requirements. I have signed this section because of the impact that vetoing it would have on the fund balance for the state General Fund and because removal of the General Fund transfer is for the 1993-95 Biennium only.

With the exceptions of sections 121(2); 125(1), (2); 202(7); 204(2)(d); 205(4)(a)(iii), (4)(b)(lines 12-17), (4)(b)(iii), (4)(b)(iv); 207(2), (3); 209(10); 217(1), (3), (4), (7), (8), (9), 226 lines 22-24; 229(16); 305(1), 308(1), (2), (4), (9), 501(1)(d); 707 line 14; 904; and 905(1), Substitute Senate Bill No. 5968 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

SSB 5969

C 440 L 93

Issuing bonds for the transportation improvement board.

By Senate Committee on Transportation (originally sponsored by Senators Vogtild and Nelson; by request of Transportation Improvement Board)

Senate Committee on Transportation

**Background:** In 1992, the Legislative Transportation Committee (LTC) Subcommittee on Transportation Boards and Commissions recommended a policy change to take advantage of favorable interest rates to finance projects through bonding during times of low economic growth.

The Transportation Improvement Board (TIB) reviewed the LTC proposal and adopted a resolution requesting the requisite bonding authority.

Without a revenue increase in 1993, TIB will begin delaying construction approval for transportation improvement account funded projects in the spring of 1994.

This bonding authority will allow the TIB to accelerate projects and start additional projects as part of an economic stimulus package.

**Summary:** The issue and sale of \$50 million in general obligation bonds is authorized to meet urgent construction needs of state, county, and city transportation projects within urban areas.

The Transportation Commission, on behalf of the Transportation Improvement Board, shall make requests to the State Finance Committee for the issuance, sale and retirement of bonds.

**Votes on Final Passage:**

Senate	41	3
House	94	0

Effective: July 25, 1993

**SSB 5971**

C 333 L 93

Expanding school breakfast and lunch programs.

By Senate Committee on Ways & Means (originally sponsored by Senators Pelz, Talmadge and Bauer; by request of Governor Lowry)

Senate Committee on Ways & Means

**Background:** Most school districts of the state participate in school lunch and breakfast programs. State survey data indicates that in the 1991-92 school year 97.1 percent of school children in Washington had access to the lunch program and 62.8 percent had access to the breakfast program.

These programs are subsidized by the federal government through the National School Lunch Program and the School Breakfast Program. Since 1979, state funding for this program has been limited to that required for federal matching purposes. For the 1991-93 biennium, state matching funds for this program were \$6 million and federal funds amounted to \$148 million.

Under the federal school lunch and breakfast programs, meals are offered to students at full price, reduced price, or free, according to uniform national eligibility criteria based on family income and size. Currently, family income at or below 130 percent of the poverty level qualifies students for free meals, and below 185 percent of poverty level qualifies students for reduced price meals.

A 1989 state law requires school districts to implement a school breakfast program by the 1992-93 school year in schools where 40 percent or more of school lunches were served to students eligible for free or reduced priced meals. Breakfast programs established under this law must be supported entirely by federal funds, charges to students and other local resources.

**Summary:** The requirement that school breakfast programs be supported entirely by federal funds, charges to students and other local resources is eliminated.

To the extent funds are appropriated, the Superintendent of Public Instruction provides grants to increase participation, improve quality, support existing programs and to help school districts start school breakfast or lunch programs. Schools are eligible for state funds if application has been made for all applicable federal funds.

State funds can only be used for operating costs unless specifically appropriated for nonoperating costs.

To the extent funds are appropriated, the Superintendent of Public Instruction provides grants for summer food programs.

The bill is null and void if funding is not provided in the budget.

**Votes on Final Passage:**

Senate	41	7	
House	96	0	(House amended)
Senate	31	15	(Senate concurred)

**Effective:** July 25, 1993

**2ESSB 5972**PARTIAL VETO

C 23 L 93 E1

Adopting the transportation budget.

By Senate Committee on Transportation (originally sponsored by Senator Vognild; by request of Office of Financial Management)

Senate Committee on Transportation  
House 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 1993-95 fiscal biennium is enacted. The total appropriation for transportation agencies is \$3.3 billion. The appropriation funds the Department of Transportation's preservation program with a state match for new federal programs and includes a one time enhancement of \$33.4 million. It also includes \$227.0 million for the high occupancy vehicle lane construction program on the interstate system, and \$21.0 million for HOV work on state routes. Ten federal demonstration projects are funded at \$68.9 million. Dedicated Special Category "C" funding of \$166.3 million is provided for the 1st Avenue South Bridge, State Route 18 and Division Street in Spokane. The regular Category "C" program is funded at \$125.4 million.

**Appropriation:** \$3.3 billion

**Votes on Final Passage:**

Senate	26	22	
House	63	35	(House amended)
Senate			(Senate refused concur)

**First Special Session**

Senate	26	20	
House	57	37	(House amended)
Senate	28	18	(Senate concurred)

**Effective:** May 28, 1993

January 1, 1994 (Sections 60, 61)

## 2ESSB 5972

**Partial Veto Summary:** Several vetoes by the Governor were made, none of which affected the total appropriation level for the transportation agencies.

### VETO MESSAGE ON 2ESSB 5972

May 28, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, page 2, lines 1 through 4; 2(2); 2(3); 25(2), page 13, lines 24 through 27; 34, page 17, line 35 through page 18, line 21; and 53, page 25 and 26 of Second Engrossed Substitute Senate Bill No. 5972 entitled:

"AN ACT Relating to transportation appropriations;"

My reasons for vetoing these sections are as follows:

#### Section 1, page 2 lines 1 through 4, Expenditure Prohibition

This provision prohibits funds appropriated in the transportation budget from being used for legislation that was not heard by either of the transportation committees. I am concerned that this administrative restriction creates a bad precedent, and that several essential bills would meet this criteria. For example, because Substitute Senate Bill No. 5968, the omnibus budget bill, and Engrossed Substitute Senate Bill No. 5888, the retirement system bill, were not heard before either of the transportation committees, it is possible that none of the funding provided in the transportation budget bill could be used for State Patrol retirement and other transportation agency health benefits. This would cause an unacceptable disruption in retirement and health system funding for transportation agencies.

In addition, this language would keep the Department of Licensing from implementing the provisions of Substitute House Bill No. 1741, which toughen the penalties against people who ignore traffic tickets. This veto will permit the Department of Licensing to operate the program with existing funds until a supplemental can be considered next session.

#### Section 2(2), Abolishment of the Traffic Safety Commission

Section 2(2) would abolish the Traffic Safety Commission as of July 1, 1994 and place the Commission's responsibilities into an existing transportation agency. The Traffic Safety Commission provides a valuable multidisciplinary approach to addressing the state's traffic safety issues. Placing the agency into an existing transportation agency would risk losing the independence and broad vision that make the Commission an effective force in reducing traffic fatalities and injuries. Traffic safety is a multidimensional problem, and the current structure of the Commission helps bring together the Department of Transportation's engineering knowledge, the State Patrol's enforcement experience, the Department of Licensing's testing and record keeping activities, the Superintendent of Public Instruction's curriculum guidance, and the Department of Health's data on injuries and fatalities. Having an independent commission unencumbered by a single agency perspective contributes to the effectiveness of the Commission's activities.

#### Section 2(3), Proviso for \$175,000 Highway Safety Fund-Federal To Be Spent For The Law and Justice Program And Move The Activity From The Department of Licensing To The Traffic Safety Commission.

Section 2(3) moves the Department of Licensing's law and justice program to the Traffic Safety Commission which, in turn, would be slated for elimination under the transportation budget. The program coordinates driver information, such as DWI suspensions and changes in traffic laws, between law enforcement agencies and the courts.

I am vetoing Section 2(3) for several reasons. First, the program belongs in the Department of Licensing and not in the

Traffic Safety Commission or, if not for the veto of Section 2(2), within yet another transportation agency in the second half of the 1993-95 Biennium. Second, the amount of funds provided is a full biennial amount, yet the bill calls for its expenditure in one year. This would be a waste of money that could otherwise be used to address critical traffic safety needs of the state. Third, because the activity began as a federally funded pilot project, the proviso is a clear supplantation of federal funds. Finally, the directive is counter to the federally prescribed priority-setting process for the identification of traffic safety problems.

#### Section 25(2), page 13 beginning on line 24 through line 27, WSDOT - Highway Management and Facilities

This subsection calls for Legislative Transportation Committee approval of a study on the current environmental efforts used at the Department of Transportation and implementation of the study recommendations, including any suggested organizational changes, to maximize the effectiveness of the agency's environmental activities. I support the study, but implementation of the study recommendations is the responsibility of the Transportation Commission and the Secretary of Transportation. Giving administrative responsibility to the Legislative Transportation Committee to control implementation of the study findings would blur the lines of executive responsibility and legislative oversight. This veto maintains the study but gives the implementation authority back to the Department. I recommend that the Transportation Commission present the final report and implementation recommendations for review to the Office of Financial Management and to the Legislative Transportation Committee no later than December 15, 1993.

#### Section 34, page 17 starting on line 35 through line 21 on page 18, Charges From Other Agencies

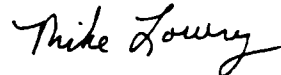
Section 34 includes an overall appropriation for revolving fund charges and nine provisos that specify line item appropriations for the individual revolving fund charges to the Department of Transportation. The total appropriation amount is sufficient to meet all the estimated obligations; however, the line items provide too much money for some revolving fund agencies and too little for others. The individual line item provisos are overly cumbersome and limit the Department of Transportation's flexibility to meet all anticipated obligations in 1993-95 Biennium.

#### Section 53, page 25 and 26, Efficiency Commission Study of Revolving Fund Charges

This section calls for a Washington State Efficiency and Accountability in Government Commission study of revolving fund charges to transportation agencies. No funding has been provided in either the transportation or the operating budgets. I am committed to an overall statewide understanding of the revolving fund services and billing procedures. A study of revolving fund services and billing methodology to only transportation agencies is too limiting. To the extent possible within existing resources, I will direct the Office of Financial Management to review the operation of revolving funds across state government.

With the exceptions of sections 1, page 2, lines 1 through 4; 2(2); 2(3); 25(2), page 13, lines 24 through 27; 34, page 17, line 35 through page 18, line 21; and 53, page 25 and 26, Second Engrossed Substitute Senate Bill No. 5972 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

**SB 5973**

C 441 L 93

Requiring the secretary of state to provide a copy of the state-wide computer file of registered voters to persons requesting a copy.

By Senators Gaspard and Rinehart; by request of Office of Financial Management

Senate Committee on Ways & Means

**Background:** Twice each year, each county of the state is required to supply to the Secretary of State a computer tape of all registered voters in the county. The state is required to reimburse each county for the cost of duplicating and mailing the tape.

Upon receipt of the computerized voter registration records from the counties, the Secretary of State is required to compile the records and provide the compilation to the state central committee of each major political party. The cost of reimbursing the counties and compiling the computer tape is between \$6,000 and \$8,000 each time it is compiled. However, the political parties are required to pay only the cost of duplicating the computer tape, which is approximately \$300.

**Summary:** Any person may request a copy of the computer tape of statewide voter registrations by making a request in writing by June 15 or November 15 of each year and depositing with the Secretary of State sufficient funds to cover the full cost of assembling, compiling, and distributing the tape. The actual charge for the tape will vary with the number of persons requesting the tape.

**Votes on Final Passage:**

Senate	47	0
House	94	0

Effective: July 1, 1993

**SB 5975**

C 442 L 93

Regulating extradition agents' duties and payments.

By Senator Rinehart; by request of Office of Financial Management

Senate Committee on Ways & Means

**Background:** The Governor may authorize local law enforcement officials to request the extradition of fugitives from other states. When law enforcement officials travel to another jurisdiction to return the fugitive to Washington, their expenses are paid by the general fund from an appropriation to the Governor. The rate of reimbursement is set by the local government.

**Summary:** The requirement that the state reimburse extradition costs is eliminated.

**Votes on Final Passage:**

Senate	40	7
House	52	42

Effective: July 1, 1993

**SB 5977**

C 368 L 93

Verifying initiative and referendum petitions.

By Senator Rinehart; by request of Office of Financial Management

Senate Committee on Ways & Means

**Background:** The Secretary of State is authorized by law to use a statistical sampling method to verify whether a state initiative or referendum petition does or does not contain the constitutionally required minimum number of valid signatures. The sampling method cannot be used as the source of this verification if the sampling technique indicates that less than 110 percent of the required number of valid signatures are on petitions for a measure (RCW 29.79.200). If signatures must be verified and the statistical method cannot be used, each signature on the petitions must be individually verified and counted.

**Summary:** A statistical sampling method may be used in verifying the signature count for an initiative or referendum if the method indicates that the petition contains the required number of valid signatures (rather than 110 percent of the required number of valid signatures).

**Votes on Final Passage:**

Senate	30	12
House	96	1

Effective: July 1, 1993

**ESB 5978**

C 491 L 93

Modifying disposition of motor vehicle excise tax revenue.

By Senator Rinehart; by request of Office of Financial Management

Senate Committee on Ways & Means

**Background:** The state imposes an excise tax for the privilege of using a motor vehicle in this state. The tax is levied annually on the value of the motor vehicle at the rate of 2.2 percent. The value against which the tax rate is applied is the manufacturer's suggested retail price, reduced each year according to a statutory schedule. The tax is in lieu of personal property taxes on motor vehicles. The tax does not apply to rental cars which instead are subject to an additional sales tax on each rental.

The revenues generated by the motor vehicle excise tax are deposited into various accounts for various purposes.

## ESSB 5980

Revenues remaining after all of these distributions are retained in the state general fund and are subject to appropriation for general governmental purposes.

Local transit agencies are authorized to levy a motor vehicle excise tax of up to .725 percent which is credited against the state tax. The revenues generated by the local tax are distributed to the local transit agencies to the extent the agencies match the tax revenues with revenues from other sources. These other sources include a local voter-approved sales tax of up to 0.6 percent, a household tax, and a business and occupation tax.

Amounts equal to the difference between the revenues that are matched by local transit agencies under the .725 percent rate and the amount of revenues that could have been matched by the transit agencies based on their locally generated revenues if the local rate were .815 percent are deposited into three transit accounts and used for high occupancy vehicle lanes, Transportation Improvement Board project matches, high capacity transportation, and other transit-related roadway improvements.

The transportation fund receives: (1) 5 percent of the revenues from the basic 2 percent rate beginning July 1, 1993, (2) all revenues from the additional rate of 0.2 percent, and (3) the transit residual. The transit residual is a sum equal to the difference between the revenues that are matched by local transit agencies and the amount of revenues that would have been generated by the transit agencies if the local rate were .815 percent, less the distributions to the transit accounts.

**Summary:** The deposit of 5 percent of the revenues from the basic 2 percent rate into the transportation fund beginning July 1, 1993, is delayed until July 1, 1995. In addition, the transit residual is deposited into the state general fund for the 1993-95 biennium instead of into the transportation fund.

### Votes on Final Passage:

Senate	28	19	
House	59	37	(House amended)
Senate	25	22	(Senate concurred)

Effective: June 30, 1993

## ESSB 5980

### PARTIAL VETO

C 17 L 93 E1

Revising provisions relating to fishing licenses.

By Senate Committee on Ways & Means (originally sponsored by Senators Owen, Spanel and Rinehart; by request of Office of Financial Management)

Senate Committee on Ways & Means

**Background:** Revenues from commercial and recreational food fish license fees and landing taxes are deposited into the general fund. Current revenue from these sources is approximately \$13 million per biennium and is equal to 26

percent of the general fund expenditures by the Department of Fisheries.

Recreational fees are derived from resident and non-resident licenses for personal use, salmon, sturgeon, Hood Canal shrimp, and razor clam harvest. Two-day licenses are also available for personal use, salmon and sturgeon fishing. Licenses are not required for individuals under 15 years of age or over 70 years. There is also a \$1 surcharge on salmon license fees to support the Washington Regional Enhancement Groups Fund.

In 1991, revenues from recreational licenses provided \$2.9 million to the general fund. Fees from 6,158 resident and nonresident commercial licenses amounted to \$1.6 million in 1991. In the same year landing taxes accounted for an additional \$2.1 million.

**Summary:** Recreational fishing licenses are consolidated into resident and nonresident personal use and shellfish licenses. Two-day licenses are also available. Fees are standardized and increased to \$7 for annual personal use licenses.

A personal use shellfish license is created. The annual license fee is \$5 and the license is required for the recreational harvest of shellfish and seaweed.

Commercial landing tax rates are increased by 5 percent.

A surcharge of \$75 is added to all commercial licenses. An ad valorem tax is added to the renewal fee for transfer of limited entry licenses. Delivery permits and license transfer fees are increased. Sea urchin and sea cucumber license fees are increased.

A 400 crab pot limit is established for commercial fishers of coastal crab.

The act expires on January 1, 1998.

### Votes on Final Passage:

#### First Special Session

Senate	27	18	
House	49	49	(House amended; failed)
House	52	46	(House reconsidered)
Senate	29	18	(Senate concurred)

Effective: January 1, 1994

**Partial Veto Summary:** The veto of section 33 removes the expiration date for the act and thereby makes the fee increases permanent. The veto of sections 50 and 51 removes the 400 crab pot limit on the commercial coastal crab fishery.

### VETO MESSAGE ON ESSB 5980

May 28, 1993

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 33, 50, and 51 of Engrossed Substitute Senate Bill No. 5980, entitled:

"AN ACT Relating to fishing licenses;"

This bill provides important new revenues to the Department of Fisheries which will be used to maintain production at state salmon hatcheries, and other important programs of the Department. The bill also consolidates existing recreational fishing li-

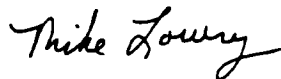
censes. However, several sections of this legislation present potential problems.

Section 33 provides for the act to expire on January 1, 1998. Allowing this Act to expire would not only remove an important source of revenue for the Department, but would also require the Department to revert back to the current system of multiple recreational licenses. In order to remove an undue administrative burden on the Department of Fisheries and avoid consumer confusion, I am vetoing section 33.

Sections 50 and 51 establish a 400 crab pot limit for commercial fishers of coastal crab. The Department of Fisheries, in conjunction with Oregon, California, and the Pacific States Marine Fisheries Commission, is to complete a report on the economic viability of the coastal crab fishery. While I understand the concern of some segments of the commercial crab industry, establishing such a limit before a final report is completed is premature.

With the exception of sections 33, 50, and 51, Engrassed Substitute Senate Bill No. 5980 is approved.

Respectfully Submitted,



Mike Lowry  
Governor

**ESSB 5981**

C 443 L 93

Regulating forest lands to maintain a viable forest products industry.

By Senate Committee on Ways & Means (originally sponsored by Senators Owen, Spanel and Rinehart; by request of Office of Financial Management)

Senate Committee on Ways & Means

**Background:** The Forest Practices Board is made up of the Commissioner of Public Lands, directors of the Departments of Trade and Economic Development, Agriculture, Ecology, a county commissioner, and six members of the general public. The Forest Practices Board is responsible for establishing administrative rules relating to forest practices.

Forest practices permits are required for most activities conducted on forest land that involve growing and harvesting timber, road building and aerial herbicide application.

Forest practices are separated into four classes. Class I forest practices have no direct potential for damaging a public resource and may be conducted without an application or notification to the Department of Natural Resources. Class II forest practices have a less than ordinary potential for damaging a public resource. Class II forest practices may be conducted with written notification to the Department of Natural Resources. Class IV forest practices have a potential for substantial impact on the environment and hence require an environmental impact statement or are practices on lands to be converted to a use other than forestry. Class III forest practices are those that are not

class I, II or IV. Class III and IV forest practices cannot be conducted until approved by the Department of Natural Resources.

The forest practice review and approval program is financed by the general fund. The current level cost for the 1993-95 biennium is about \$14 million. No fees are collected for forest practices permits.

**Summary:** Fees for class II, class III and class IV forest practices are established and set at \$50 per application. Application fees for class IV general forest practices dealing with planned or likely conversion of forest land to other uses are set at \$500.

Fees may be refunded if the application is denied or withdrawn.

**Votes on Final Passage:**

Senate	26	22	
House	49	48	(House amended; failed)
House	55	42	(House reconsidered)
Senate	28	19	(Senate concurred)

**Effective:** May 15, 1993

**2ESSB 5982**

C 18 L 93 E1

Changing higher education tuition provisions.

By Senate Committee on Ways & Means (originally sponsored by Senator Rinehart; by request of Office of Financial Management)

Senate Committee on Ways & Means

**Background:** In Washington, tuition is established in statute as a fixed percentage of educational costs. The percentage, which has remained unchanged for a decade, varies according to type of student and type of institution attended.

Educational cost percentages for resident undergraduate students are: 33 percent at the two research universities; 25 percent at the comprehensive institutions; and 23 percent at community colleges. At all public colleges and universities, nonresident undergraduates pay approximately 100 percent of their educational costs.

Educational cost percentages for graduate students are: 23 percent for resident students; 60 percent for nonresidents at research universities and 75 percent for nonresidents at the comprehensive institutions.

Educational cost percentages for resident and nonresident students studying medicine, dentistry and veterinary medicine are 167 percent of the respective graduate rates.

Students at technical colleges pay a tuition rate that is comparable to the percentage that students pay at community colleges. However, their tuition percentages are not yet determined in statute.

Under current law, tuition consists of building fees and operating fees. Building fees are a fixed dollar amount in statute and are deposited into institutional building fee ac-



**2ESB 5983**

counts. Operating fees, which make up the remainder of tuition, are deposited into institutional accounts in the treasury.

**Summary:** Tuition statutes are revised to provide tuition increases of 9 percent and 22 percent. Student and Activities fees (S&A fees) are held at the 1993-95 rates. Building fees will be a percentage of total tuition fees beginning in the 1995-97 biennium. The percentage will be calculated by the Higher Education Coordinating Board. Some tuition waiver program restrictions are lifted to give increased flexibility to each institution, but the statutory waiver limit is left in place. The Washington Scholars and the Washington Award for Vocational Excellence waivers are guaranteed until June 30, 1994. The spouses and dependents of active duty military personnel are defined as residents for tuition paying purposes, but are not eligible for financial aid.

Local tuition operating fee accounts are not subject to appropriation or allotment. The community college statute on enrollment limitations is revised to accommodate whatever decision is made by the Legislature in the omnibus appropriations act. Each institution can transfer any unspent balance from its treasury tuition operating fee accounts into the local tuition accounts. A tuition refund statute is amended to allow for federal refund policies for tuition. Tuition collected in programs co-sponsored by educational institutions and nonprofit organizations is exempt from B&O taxes.

**Votes on Final Passage:**

Senate 44 2

First Special Session

Senate 29 17

House 60 37

**Effective:** July 1, 1993

**2ESB 5983**

C 19 L 93 E1

Altering fees related to agriculture.

By Senators M. Rasmussen and Loveland; by request of Department of Agriculture

Senate Committee on Ways & Means

**Background:** The 1993-95 budget for the Washington State Department of Agriculture is approximately \$70 million and 723 FTEs. Of that amount, \$19.7 million and 146 FTEs are state general fund supported.

The department's Administrative Services Program provides budgeting, accounting, personnel, policy and management services for the entire agency. Ninety-four percent of the funding for the Administrative Services Program is supported by the state general fund and 6 percent is supported by federal revenues.

Budgets proposed by Governor Gardner, Governor Lowry, the Senate and the House of Representatives have all suggested shifts in funding the department's administrative program which involve greater support from the non-appropriated funds managed by the department. Fees which support those non-appropriated funds are established in statute.

**Summary:** Various adjustments are made to fees collected by the Department of Agriculture in order to provide the additional revenue necessary to support a portion of the administrative functions of the agency.

**Votes on Final Passage:**

Senate 27 21

House 54 42 (House amended)

First Special Session

Senate 27 19

House 57 40

**Effective:** August 5, 1993

**SB 5984**

C 369 L 93

Using the business enterprises revolving account.

By Senators Sheldon and Rinehart

Senate Committee on Ways & Means

**Background:** The two largest programs operated by the Department of Services for the Blind are the Vocational Rehabilitation Program and the Business Enterprise Program. The Vocational Rehabilitation Program receives federal funds of approximately four federal to one state dollar on a matching basis to provide job training, placement, and adaptation services for people with severe visual impairments. The Business Enterprise Program helps people with blindness obtain and operate food service concessions in federal and state buildings.

Profits from vending machines in state buildings are placed into the business enterprise revolving account, where they may only be used for the ongoing operation of the program. The vending machine profits may not be used to provide vocational rehabilitation services, where they could earn federal matching dollars.

**Summary:** Restrictions on the use of state funds in the business enterprises revolving account are eliminated. Profits from vending machines in state and local public buildings may be used for any vocational rehabilitation service on behalf of people with visual impairments. Vocational rehabilitation funds may be used for any purpose which is allowable under federal rules.

**Votes on Final Passage:**

Senate 44 0

House 94 0

**Effective:** July 25, 1993

**ESB 5989**

C 20 L 93 E1

Expanding correctional industries.

By Senators Hargrove and Rinehart

**Background:** The Department of Corrections (DOC), Division of Correctional Industries, is required to develop and implement work programs that provide jobs, work experience and training to inmates and to reduce a portion of the financial burden of incarceration. The department operates five classes of work programs. The inmates receive financial compensation for their work ranging from \$30 per month for Class IV work programs to the prevailing wage for offenders employed in Class I jobs.

Class I Industries allows private companies to set up businesses within the corrections institutions. Class II Industries is state-owned and managed directly by DOC to reduce the costs of goods and services for tax supported agencies and for nonprofit organizations. State agencies are required to purchase articles and products produced by Class II Industries, unless the articles do not meet the requirements of the agency, are not equal or better in quality, or the price of the product is higher than the private sector price.

The department is required to develop a formula to determine how much should be deducted from the inmate's wages to partially cover the cost of incarceration and development of correctional industries programs.

**Summary:** State agencies and the Legislature are to purchase goods and services from DOC Correctional Industries II programs if the goods and services would otherwise be purchased from outside the state.

A formula is set forth in statute for deductions from the wages of certain DOC inmates who are not under the jurisdiction of community correction. DOC must deduct taxes and legal financial obligations from the gross wages of: (1) inmates participating in Class I and Class II programs, and (2) inmates earning more than the minimum wage. From the remaining amount, 10 percent is deducted for crime victims' compensation; 10 percent is deducted for personal savings up to at least \$950; 30 percent is deducted for costs of incarceration. When an inmate's savings account is at least \$950, 40 percent is deducted for incarceration costs.

DOC is to increase inmate participation in Class I and Class II as follows:

- 200 inmate increase by June 30, 1995
- 400 inmate increase by June 30, 1996
- 600 inmate increase by June 30, 1997
- 900 inmate increase by June 30, 1998
- 1200 inmate increase by June 30, 1999
- 1500 inmate increase by June 30, 2000

Inmate employment is to be meaningful and designed to reduce recidivism. In addition, correctional industries impact on in-state businesses is to be minimized. The nine-member board of directors is to be composed of three labor

representatives, three business representatives representing a cross-section of industries and all sizes of employers, and three members from the general public.

DOC must submit an implementation plan to expand correctional industries by January 1, 1994. DOC must also report to the Legislature by January 1, 1994, regarding any impediments to compliance with the inmate work participation percentages, and ways to achieve compliance.

Provisions of the act which provide for deductions from the wages of inmates and greater inmate participation in correctional industries program are effective June 30, 1994.

**Votes on Final Passage:**

**First Special Session**

Senate 41 3

House 92 0

**Effective:** August 5, 1993

June 30, 1994 (Section 2)

**SSJM 8009**

Supporting Guam in its quest for commonwealth status.

By Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Bluechel, Snyder, Sellar, Skratek, M. Rasmussen, Erwin, Gaspard, Fraser, McDonald, Franklin, Winsley and Oke)

Senate Committee on Trade, Technology & Economic Development

House Committee on Trade, Economic Development & Housing

**Background:** Guam, acquired by the United States at the end of the Spanish-American War, is a self-governing, organized, unincorporated United States territory. Commonwealth status would increase the degree of autonomy enjoyed by Guam. Guam's citizens chose by plebiscite in 1976 the political status of commonwealth and ratified the draft Guam Commonwealth Act in 1987. The Guam Commonwealth Act is expected to be reintroduced in Congress later this year.

**Summary:** The Legislature supports the efforts of Guam to achieve commonwealth status and petitions the President and Congress to recognize Guam's right to self-determination.

**Votes on Final Passage:**

Senate 48 0

House 98 0

ESSJM 8016

Requesting investigation and reporting on the E. Coli outbreak.

By Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Spanel, Haugen, Prince, Loveland, Barr, Erwin, McDonald, Roach, Bauer, Drew, Gaspard, Skratek, McAuliffe, Sheldon, Prentice, Fraser, Rinehart, Deccio, Jesernig, Winsley, Pelz, McCaslin, Sellar, von Reichbauer, Vognild, Moyer, A. Smith, West, Franklin, Wojahn, Hochstatter, Quigley, Anderson, Amondson and Oke)

Senate Committee on Agriculture  
House Committee on Agriculture & Rural Development

**Background:** The outbreak of E. Coli 0157:H7 infections has caused concern about the adequacy of the federal food safety inspection program as it applies to certain meat products. In Washington State, this strain of bacteria has been designated as a reportable disease. The State Board of Health adopted a more stringent regulation than many other states requiring food establishments to cook hamburger to 155 degrees.

In January, the United States Department of Agriculture indicated that a prompt and full examination would be made into ways on improving the full food chain process to determine how improvements may be made to better guarantee safety of the food supply.

**Summary:** In addition to conducting a full examination of the causes and methods to address the E. Coli outbreak, the Federal Food Safety Inspection Service is requested to provide a written report to the Washington State Legislature in January 1994 explaining the changes and improvements that have been accomplished to address this public health issue.

Other items that the federal task force are requested to consider include: (a) examining the full food chain process from farm to table to determine what improvements may be made to better guarantee the safety of the food supply; (b) examining whether meat and meat products imported into this country comply with comparable inspection and health standards as does domestically processed meat; (c) involving state and local governments in the monitoring and investigation; (d) designating this strain of E. Coli as a reportable disease on a nationwide basis; and (e) initiating a review of the Food and Drug Administration's model food code.

**Votes on Final Passage:**

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

SJM 8017

Requesting the United States Department of Energy to support the Fast Flux Test Facility at Hanford.

By Senators Jesernig and Loveland

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

**Background:** The Fast Flux Test Facility (FFTF) is a United States Department of Energy advanced reactor located at Hanford. It has been on line since 1982 and has set several world records for efficient operation. It can be operated to produce certain isotopes used in medicine and outer-space research vessels. The FFTF has the potential to destroy some nuclear weapons and could potentially supply electricity to the regional power grid.

Originally the FFTF was designed to be part of a national effort to reprocess spent nuclear fuel. Partly because the reprocessing program was canceled, the operators of the FFTF have struggled with finding a long-term mission for the reactor.

Former Governor Gardner commissioned a team to market the potential of the FFTF to international interests. This team reported its analysis in March, 1992, concluding that there is significant support for the continued operation of the FFTF, both in the United States and in other countries.

**Summary:** The President, the Secretary of the United States Department of Energy, and selected members of Congress are asked to assure that the Department of Energy gives adequate financial and political support to the FFTF and that the reactor is given a long-term mission.

**Votes on Final Passage:**

Senate	46	2
House	98	0

SJM 8021

Requesting federal assistance with implementing the safe drinking water act.

By Senators Williams, McCaslin, Fraser, Talmadge, M. Rasmussen, Moore, Deccio, Sutherland, Barr and Franklin

Senate Committee on Ecology & Parks  
House Committee on Environmental Affairs

**Background:** In 1974, Congress enacted the federal Safe Drinking Water Act (SDWA). The SDWA established a legal framework to protect the public from a wide variety of contaminants in drinking water. In Washington, the Environmental Protection Agency (EPA) delegated primary responsibility for implementation and enforcement of federal SDWA to the state Department of Health. In order to assume and maintain primary responsibility, the Department of Health must adopt regulations at least as stringent as EPA's.

Amendments to the federal SDWA in 1986 created many new responsibilities for the state. Among other requirements, the 1986 amendments to the federal law increased the number of contaminants to be monitored, prescribed maximum contaminant levels for 83 specified contaminants, required disinfection of all water supplies, specified filtration for surface water supplies, established requirements for the protection of groundwater, and defined treatment techniques for some regulated contaminants.

During the 1993-95 biennium, the Department of Health expects to receive \$3.1 million in federal grants for the purpose of administering the federal Safe Drinking Water Act. However, the department has determined that it will need an additional \$8.6 million during the same biennium in order to carry out its mandates under the federal SDWA.

In 1992, the Department of Health conducted a Public Water System Needs Assessment which concluded that the state's water systems will need to incur additional capital expenditures of \$688 million between 1993 and 1999 in order to meet the requirements of the federal Safe Drinking Water Act.

In 1992, the National Governor's Conference adopted an eight-point program for improving administration of drinking water programs. The eight-point program calls for making certain statutory changes in the federal law, improving program efficiency and flexibility, and increasing financial resources to states to carry out the requirements of the federal SDWA.

The federal Safe Drinking Water Act and the federal Clean Water Act are due for reauthorization in 1993.

**Summary:** The President and the Congress are requested to comprehensively review and assess the impact of the federal Safe Drinking Water Act (SDWA) and other similar measures on state and local governments and to assess whether the costs of implementing these federal programs are justified by the risks being addressed.

A request is also made to substantially increase the resources available to the states to implement federal programs. The federal government is requested to study and implement, where appropriate, modified delegation and enforcement of federal environmental programs, including the Safe Drinking Water Act, to reflect the state's ability to implement and enforce such programs.

A request is made to require federal agencies to accept responsibility for implementation and enforcement of federal laws where the federal government has not provided adequate resources for the state to do so.

The recommendations of the National Governor's Conference are requested to be incorporated into reauthorization of the Safe Drinking Water Act, especially with respect to providing additional flexibility in state enforcement, increased efficiency in the operation of the Safe Drinking Water Act program, and providing increased re-

sources to states and water systems to meet the federal requirements.

The memorial also requests that substantial funding be made available, on both a short-term and a long-term basis, to water systems that are required to make capital improvements to their systems to meet SDWA requirements.

**Votes on Final Passage:**

Senate	47	0	
House	98	0	(House amended)
Senate	49	0	(Senate concurred)

**SCR 8409**

Concerning open pit metallic ore mining.

By Senators Owen, Erwin, Franklin and Pelz

**Background:** Metals mining is the extraction of metallic ore from surrounding hard rock. There are several methods, including milling and leach mining. Milling involves crushing rock and mixing it in an enclosed tank with a solvent. Leach mining involves piling crushed rock onto a leaching pad and soaking it with a solvent. In both types of mining, the solvent dissolves the metal and carries it out of the rock. The solvent/metal mixture is then recovered and processed. The solvent is generally reused.

Both milling and leach mining are commonly used to mine gold. A cyanide solution is the solvent in both processes.

**Summary:** The House Committee on Natural Resources & Parks and the Senate Committee on Natural Resources will study metals mining and report back to the 1994 Legislature. The chairs of the committees may appoint an advisory committee to assist in gathering information.

**Votes on Final Passage:**

Senate Adopted  
House Adopted

## Sunset Legislation

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### 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:** The Legislative Budget Committee submitted one performance audit report to the Legislature in 1993. The report covered the Community Economic Revitalization Board. Legislation was enacted which extended the sunset date for the Washington State Commission on Hispanic Affairs. Sunset dates were established for the Washington Conservation Corps, Linked Deposit program and the Workforce Employment and Training program. The Community Economic Revitalization Board, the Game Fish Mitigation program, the Basic Health Plan, and the International Marketing Program for Agricultural Commodities and Trade (IMPACT) were extended and removed from the sunset process. The Economic Development Board was terminated.

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#### New Programs Placed on Sunset

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**Linked Deposit Program** ESHB 1493 (C 512 L 93 PV)

**Workforce Employment and Training Program** ESHB 1988 (C 226 L 93)

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#### Existing Programs Placed on Sunset

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**Washington Conservation Corps**  
Extended to June 30, 1999 ESHB 1785 (C 516 L 93 PV)

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#### Programs Extended without Sunset Provisions

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**Basic Health Plan** SB 5000 (C 3 L 93)

**Community Economic Revitalization Board** ESHB 1662 (C 320 L 93)

**Game Fish Mitigation Program** ESHB 2055 (C 2 L 93 E1 PV)

**International Marketing Program for Agricultural Commodities and Trade Center** HB 1062 (C 72 L 93)

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#### Programs with Sunset Dates Extended

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**Washington State Commission on Hispanic Affairs**  
Extended to June 30, 2021 HB 1948 (C 261 L 93)

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#### Programs to Terminate without Sunset Provisions

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**Economic Development Board**  
June 30, 1993 HB 1618 (C 142 L 93)



Every member of the tribe was responsible for some task, and there were chores to be done all year long. Women took care of the cooking and housekeeping, gathered roots and vegetables, smoked and dried fish, and prepared meals.

Women also spent many hours weaving baskets and mats that were used for an assortment of purposes. Mats provided carpeting, bedding, roofs and protection from the elements. Baskets were used for cooking, gathering and storing. Bark, needles, grasses and twigs were woven into intricate and beautiful designs. Different tribes and cultures took great

pride in the exclusive decoration and weave for their baskets. (Makah basket weaver by James G. McCurdy, courtesy of Washington State Library, left.)

Decoration on clothing, bags and footwear included shell work, precious stones or seeds, quills, cornhusks or yarns. Beads and buttons, later introduced by explorers, were also used to embellish design work. In this photo, Yakima beadworker Jennie Wesley displays an assortment of richly ornamented items (photo from the Thompson collection, courtesy of Washington State Library).

## SECTION II Budget Information

Budget/Balance Sheet

Operating Budget Summary

Capital Budget

Transportation Budget





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1993-95 Washington State Operating Budget (SSB 5968)

1993-95 Washington State Operating Budget (SSB 5968)

Estimated Revenues & Expenditures

1993-1995 Biennium

General Fund Dollars in Millions

*As Signed by the Governor*

RESOURCES

Unrestricted Beginning Balance	\$132.0
March 1993 Cash Forecast	15,461.8
Budget Driven Revenue	74.9
Tax Package	648.7
Local Criminal Justice Assistance (SB 5521)	(60.0)
Other Revenue Legislation	<u>53.8</u>
<b>Total Resources:</b>	<b>\$16,311.2</b>

EXPENDITURES

1993-95 Appropriations Act	\$16,136.5
Appropriation to Budget Stabilization Account	25.0
Appropriations Legislation	<u>0.2</u>
<b>Total Expenditures:</b>	<b>\$16,161.7</b>

RESERVES

Estimated Ending Balance	\$149.5
Budget Stabilization Account	<u>125.0</u>
<b>Total Reserves:</b>	<b>\$274.5</b>

# 1993-95 Washington State Operating Budget (SSB 5968)

## Budget Driven Revenue & Revenue Legislation (SSB 5968)

General Fund State Dollars in Thousands

BUDGET DRIVEN REVENUE	
DOR Collection Enhancements	\$67,600
Public Works Assistance Account	35,000
Eliminate GFS Transfer to Water Quality Account	13,769
Shift Camping Fees to General Fund	11,400
Treasurer's Service Account	8,400
Attorney General Revenue Collection Unit	6,800
Replace GFS Transfer to Flood Control with Public Work	4,000
Lottery Commission Transfer to General Fund	3,000
Revenue Accounting Management System	2,000
Vehicle Emissions Inspections	1,900
Liquor Control Board General Fund Transfer	1,334
Department of Ecology Lab Accreditation	763
Professional Licensing Improvements	571
Milk Products	4
Department of Financial Institutions	(3,000)
IMR Tax - Lower Base	(8,487)
DSHS General Fund Recoveries Transferred out of GFS	(70,113)
<b>Total:</b>	<b>\$74,941</b>

REVENUE LEGISLATION	
SB 5978 Defer MVET Transfer to Transportation Account	\$54,612
SB 5978 Transit Residual	20,000
HB 2114 Transportation Fund Interest to General	16,919
SB 5980 Recreational Fishing License/Commercial Landing	3,200
SB 5981 Forest Practices Fees	2,000
EHB 1481 Watercraft Ad Valorem Tax	957
HB 1236 Water Rights Fees	540
SB 5237 Registration of Charitable Organization	295
SB 5689 Liquor Sales in Motels	280
HB 1477 Fuel Tax Exemption	248
HB 1356 Public Water System Requirements	190
HB 1870 Bail Bond Agents	87
SB 5688 Forest Practices Violations	65
SB 5973 Voter Registration Tapes	59
HB 1350 Pink Shrimp Endorsements	22
HB 1496 Employment Agencies	8
SB 5124 Commercial Fishing Licenses	4
SB 5145 Bungee Jumping	4
SB 5379 Milk Products	(6)
HB 1806 Well Construction Fees	(23)
SB 5290 Tax Exemption for Free Hospitals	(31)
HB 1884 B&O Tax on Nonprofit Credit Services	(43)
SB 5828 Private Vocational Schools	(90)
HB 1357 Water Operator Licensing Fees	(120)
SB 5835 Exempt Public Authority Property	(135)
SB 5304 Health Care Reform Implementation	(146)
SB 989 Correctional Industries	(199)
HB 2066 School Levies	(304)
SB 5502 Surface Mining Fees	(450)
HB 1219 Public Works Administration Account	(460)
HB 1493 Linked Deposit Program	(1,000)
ESSB 5982 Higher Ed Tuition	(1,727)
HB 2071 Youth Tobacco	(2,262)
SB 5385 UCC Legislation with Fund Shift	(3,785)
SB 5876 Ride Sharing and Vanpools	(4,055)
SB 5957 IMR Tax Rate Reduction	(30,841)
<b>Total:</b>	<b>\$70,974</b>

**1993-95 Washington State Operating Budget (SSB 5968)**

**1993-95 Washington State Operating Budget (SSB 5968)**

**APPROPRIATIONS CONTAINED WITHIN OTHER LEGISLATION**

(Dollars in Thousands)

<u>Bill Number and Subject</u>	<u>Session Law</u>	<u>Agency</u>	<u>GF-S</u>	<u>Other</u>	<u>Total</u>
ESHB 1481 - Taxation of Ships & Vessels	C 33 L 93	Dept of Revenue	\$137		\$137
SB 5703 - Labor Mkt Info & Econ Analysis	C 62 L 93	Employment Security		\$100	100
SB 5956 - Gov't Ethics/Campaign Practices	C 5 L 93	Office of Financial Mgmt	85		85
2ESSB5972 - Transp Operating Budget		Traffic Safety Commission		3,357	3,357
2ESSB5972 - Transp Operating Budget		Bd of Pilotage Commission		218	218
2ESSB5972 - Transp Operating Budget		County Road Adminis		87,924	87,924
2ESSB5972 - Transp Operating Budget		Transp Improvement		211,822	211,822
2ESSB5972 - Transp Operating Budget		State Patrol		215,401	215,401
2ESSB5972 - Transp Operating Budget		Dept of Licensing		133,899	133,899
2ESSB5972 - Transp Operating Budget		Legislative Trans Committee		2,644	2,644
2ESSB5972 - Transp Operating Budget		LEAP Committee		410	410
2ESSB5972 - Transp Operating Budget		Marine Employees' Comm.		373	373
2ESSB5972 - Transp Operating Budget		Transp Commission		1,637	1,637
2ESSB5972 - Transp Operating Budget		Air Transp Commission		534	534
2ESSB5972 - Transp Operating Budget		Dept of Agriculture		418	418
2ESSB5972 - Transp Operating Budget		Dept of Transportation		921,037	921,037

**Total Other 93-95 Operating Legislation: \$222 \$1,579,774 \$1,579,996**

**APPROPRIATIONS CONTAINED WITHIN OTHER LEGISLATION**

(Dollars in Thousands)

<u>Bill Number and Subject</u>	<u>Session Law</u>	<u>Agency</u>	<u>GF-S</u>	<u>Other</u>	<u>Total</u>
SB 5956 - Gov't Ethics/Campaign Practices	C 5 L 93	Office of Financial Mgmt	\$15		\$15
2ESSB5972 - Transp Supplemental Budget		Bd of Pilotage Commission		\$17	17
2ESSB5972 - Transp Supplemental Budget		Dept of Licensing		544	544
2ESSB5972 - Transp Supplemental Budget		Dept of Transportation		3,800	3,800

**Adjustments to Other 91-93 Operating Legislation: \$15 \$4,361 \$4,376**

Note: The amounts shown from the Transportation Operating Budget are included in the individual agency recommendation summary reports.

## 1993-95 Washington State Operating Budget (SSB 5968)

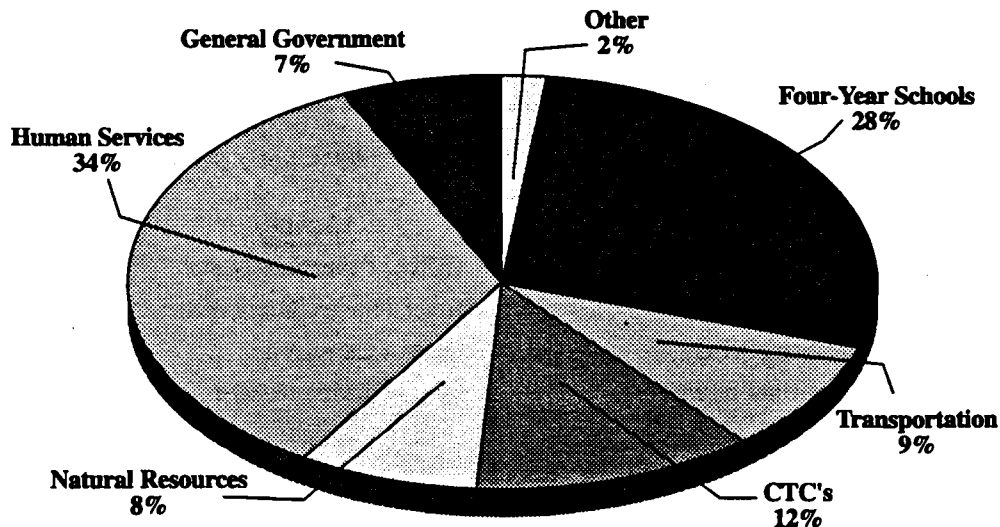
### Full Time Equivalents (FTEs)

The legislative operating and transportation budgets provide funding for 86,734 FTEs – an increase of only 244 FTEs over the 1991-93 biennium, or less than three-tenths of one percent growth. With the exception of the 1981-83 biennium, this represents the lowest amount of biennial FTE growth in over 20 years.

	1991-93	1993-95	Change From 1991-93	Percent Change
Legislative	938	843	(95)	-10.1%
Judicial	502	507	4	0.9%
General Government	6,374	6,226	(149)	-2.3%
Human Resources	28,697	29,620	923	3.2%
Natural Resources	7,073	6,623	(451)	-6.4%
Transportation	7,524	7,632	108	1.4%
Total Education	35,381	35,285	(97)	-0.3%
Public Schools	255	249	(6)	-2.4%
Community Colleges	10,400	10,528	128	1.2%
Four Year Schools	24,221	24,036	(185)	-0.8%
Other Education	505	471	(34)	-6.7%
<b>Statewide Total:</b>	<b>86,490</b>	<b>86,734</b>	<b>244</b>	<b>0.3%</b>

1991-93 includes the 1993 Supplemental Omnibus and Transportation Budgets.  
Transportation Capital Budget FTEs are not included.

### Distribution of 1993-95 Operating Budget FTEs



## 1993-95 Operating Budget Summary

### Budget Highlights

#### Reducing the Cost of State Government

**Administrative Staff Reductions (\$32.6 million GF-S).** State government administrative staff is reduced by about 15 percent, on average, which amounts to a cut of 593 FTEs. In addition, state agency non-administrative staff will be reduced by about 10 percent through a gradual cutback during the biennium, eliminating an additional 110 FTEs.

**Across-the-Board Travel Reduction (\$13.0 million GF-S savings).** State agency travel expenditures are significantly reduced in the legislative budget. This reduction equates to an 85 percent cut in out-of-state travel or a 25 percent cut in both in-state and out-of-state travel costs.

**Inflation Deletion (\$29.0 million GF-S savings).** All state agencies are required to achieve operating efficiencies through elimination of inflationary cost adjustments. This will require cutbacks in spending for supplies, equipment, consultants and other goods and services.

**Salary Freeze.** The legislative budget does not provide any funding for across-the-board salary increases for teachers, higher education faculty or state employees. In addition, salary increments will be frozen for employees earning more than \$45,000 per year saving an additional \$1.3 million GF-S.

**Agency Consolidations (\$2.3 million GF-S savings).** Duplicative administrative staff and costs will be eliminated through the consolidation of (1) the Departments of Fisheries and Wildlife, (2) the Departments of Community Development and Trade and Economic Development, (3) the Higher Education Personnel Board and the Department of Personnel, (4) the State Capitol Historical Museum and the State Historical Society, (5) the creation of the Department of Financial Institutions by merging the banking and savings and loan division in the Department of General Administration and the securities division in the Department of Licensing and (6) the elimination of the Professional Athletic Commission and transfer of its functions to the Department of Licensing.

**State Agency Overhead Reductions (\$4.9 million GF-S savings).** Reductions in state departments which provide central services for state government (General Administration, Personnel, Attorney General, Administrative Hearings, etc.) will result in savings in agency budgets from reduced billings from these departments.

**Equipment Purchases (\$2.2 million GF-S savings).** Funding for new equipment purchases are reduced by about 7 percent. In addition, in order to prioritize agency

use of the state's "lease purchase" installment contract program, the budget limits the total size of the program to current biennium amounts.

**Consolidated Mail Savings (\$3.8 million GF-S savings).** Through the implementation of the new consolidated mail service program which permits agencies to take advantage of pre-sort discounts from the U.S. Postal Service, state agency budgets for postage and mailing are reduced.

**Performance Audits.** The legislative budget establishes a performance audit task force to be composed of staff from the Legislature, the Office of Financial Management and the State Auditor. The task force, to be coordinated by a steering committee of legislative leadership, will conduct three major performance audits during the coming biennium. These audits will focus on the Department of Ecology, Public Health Programs and state administration.

#### K-12 Education

##### Efficiency Measures

**Across-the-Board Reductions (\$2.1 million GF-S savings, 16 FTEs).** Administrative and other standard costs in the Superintendent of Public Instruction's office, Transportation and Educational Service Districts are reduced consistent with reductions in all other segments of state government.

**Administrative Reduction (\$40.6 million GF-S savings).** Administrative funding for the K-12 system is reduced by 10 percent to reflect changing relationships in management duties as school districts restructure how education is delivered. A salary freeze on salaries for administrators making more than \$45,000 per year would contribute to the expected savings.

**Federal Money for Special Education (\$14.4 million GF-S savings).** Medicaid matching funds for special education programs will allow the state to shift general-fund dollars to other programs without reducing its commitment to special education.

**Educational Service District Efficiency Study (\$400,000 GF-S savings).** The Superintendent of Public Instruction is directed to conduct a study of Educational Service District boundaries and potential efficiencies in delivery of Educational Service District services. The results of the study are to be implemented by July 1, 1994.

##### Restructured Programs

**Block Grant and Special, Pilot and School District Support Programs (\$36.8 million GF-S savings).** The existing block grant program is continued at a reduced level, incorporating funding from both the existing program and



## 1993-95 Operating Budget Summary

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from five special programs that will be eliminated as separate items in the state budget. This is done both to reduce state costs, and to give local school districts greater flexibility in how to spend available funding.

On a per student basis, funding for the current block grant program is reduced 24 percent. A potentially larger cut is partially offset by inclusion of various programs into the block grant configuration. The consolidated funds represent 53 percent of the amount that currently goes to those special programs, which include Fair Start, low-income tutors, drop-out prevention and retrieval, and several other programs.

### Program Reductions

**Reduction in Special Programs (\$11 million GF-S savings).** Funding is reduced by 15 percent for magnet schools and schools qualifying for "complex needs" support. Funding is reduced by 12 percent for Pacific Science Center programs, education clinics and the Cispus Environmental Learning Center and other programs. All of the above programs are budgeted in the "Special State-wide Programs" section of the Superintendent of Public Instruction's budget. Learning Centers for at-risk youth are eliminated and the students will be assimilated into existing alternative schools.

**Levy Equalization Modification (\$24.3 million GF-S savings).** Continues the current level of biennial support. A safety net is provided for those districts not receiving more funding than 1991-93 due to changes in property value or levy approvals.

### Enhancements

**Education Reform (\$58 million GF-S).** Educational reform enacted by the 1993 Legislature is funded, with the following provisions:

- **Commission on Student Learning (\$5.0 million).** The Commission on Student Learning will define the essential learning requirements for 13 subject areas identified in the education reform process. The commission will also develop methods of assessing and testing student progress in five of the subject areas.
- **Additional Planning/Resource Days (\$29.1 million).** Three planning/resource days are funded to give certificated and classified staff time to learn new teaching techniques and participate in site-based school management. Schools for the 21st Century are continued in the first year of the biennium.
- **Improved Technology (\$4.5 million).** Educational Technology Centers, enhancement of statewide computer networks and other technological improvements are funded to help prepare students for today's workforce.
- **School to Work Transitions (\$1.8 million).** Programs are provided to prepare students for the transition to

work after completing school through the integration of academic courses with vocational preparation.

- **Meals for Kids (\$5 million).** Additional funding will allow all school districts to provide breakfast and lunch free or at reduced prices to all qualifying students.
- **Readiness to Learn (\$8 million).** Funds for grants to school districts and community based consortiums providing services to help children arrive at school ready to learn.
- **Mentor/Beginning Teachers (\$3.3 million).** The current mentor program is expanded by 50 percent to assist teachers in adapting to new teaching approaches associated with reform.
- **Assistance by OSPI (\$400,000).** A Center for the Improvement of Learning is created in the Office of the Superintendent of Public Instruction to provide assistance and advice regarding education reform initiatives.

**Curriculum Development (\$100,000).** New funding for curriculum development on special topics of statewide significance is provided to the Office of the Superintendent.

**Bilingual Education Formula (\$5.0 million).** Funding on a per student basis is increased 24 percent over 1992-93 levels to update staffing cost allocations.

## Higher Education

### Administrative Reductions and Efficiencies

**Efficiency Reductions (\$91.3 million GF-S savings).** Reductions are made to the carry-forward budgets of each institution – 4.3 percent at the universities and 3.3 percent at the community and technical colleges. Colleges are to implement the reductions through increased efficiencies rather than through reduced enrollment levels.

### Enhancements

**Four-year University Enrollment Increases (\$25.6 million GF-S).** Enrollment is increased by a total of 1,977 students by the end of the biennium. (Increases by institution are on the next page.)

**Community and Technical Colleges Enrollment Increases.** Enrollment is increased by a total of 8,040 students at two-year institutions by the end of the biennium.

- **General Enrollment (\$20.1 million GF-S).** Funding is provided to open enrollment to 3,040 more students.
- **Dislocated Worker Training and Education (\$35.1 million Employment and Training Trust Fund).** Education at community and technical colleges is provided for 5,000 dislocated workers and for workers who have exhausted unemployment benefits. In addition, \$3 million is provided for child care, \$3.7 million for financial aid, and \$0.5 million for transportation for these students.

# 1993-95 Operating Budget Summary

**Technical College Instructional Equipment (\$3.4 million GF-S).** Additional instructional equipment funding is provided for the technical colleges.

**Financial Aid Improvements (\$55.4 million).** Increased funding for the State Need Grant program provides grants for an additional 18,150 students. This increase takes the annual number of grants from 19,850 to 38,000, thus providing grants for all currently eligible students.

**TA/RA Health Benefit (\$4.8 million, Health Services Account).** Funding is provided to extend health benefits to teaching and research assistants at universities.

**Student Tuition Increases (\$85 million GF-S).** Student tuition rates are increased by 9 percent in 1993-94, and by an additional 13 percent in 1994-95.

## Enrollment Increases by Institution

<b>Four Year Schools</b>		<b>1,977</b>
University of Washington, Seattle		160
Seattle, Evening Degree		150
Tacoma Branch		100
Bothell Branch		54
Washington State University, Pullman		66
Vancouver Branch		210
Tri-Cities Branch		55
Spokane Branch		25
Eastern Washington University		359
Central Washington University		359
Western Washington University		359
The Evergreen State College		80
<b>Community and Technical Colleges</b>		<b>3,040</b>
Bates	78	Olympic 185
Bellevue	168	Peninsula 86
Bellingham	44	Pierce 103
Big Bend	42	Renton 76
Centralia	32	Seattle District 233
Clark	127	Shoreline 81
Clover Park	73	Skagit Valley 75
Columbia Basin	76	South Puget Sound 179
Edmonds	125	Spokane District 151
Everett	103	Tacoma 71
Grays Harbor	73	Walla 38
Green River	118	Wenatchee 34
Highline	103	Whatcom 57
Lake Washington	128	Yakima Valley 336
Lower Columbia	5	

**Dislocated Worker Training and Education** 5,000  
**Total Increase: 10,017**

## Human Services

### Administrative Savings and Efficiencies

**Across-the-Board Reductions (\$45.7 million GF-S savings, -422 FTEs).** The Department of Corrections, public health labs and several divisions of the Department of Social and Health Services are exempt from the general 10 percent staff reduction. However, all departments are required to cut administrative staff by 15 percent, reduce travel and other overhead costs.

**Health Care Efficiencies (\$34 million GF-S savings).** State Medicaid costs will be reduced through improved coverage for the uninsured, managed care for Medicaid recipients, improved drug purchasing and greater coordination of health benefits.

**AIDS Insurance Continuation (\$1.4 million GF-S savings).** The AIDS Insurance Continuation Program will be reinstated, allowing the state to save on Medicaid costs incurred when people with AIDS lose their insurance coverage.

**Child Support (\$46 million GF-S savings, 234 FTEs).** Additional staffing at the Office of Support Enforcement will save state funds by increasing collection of child support payments from non-custodial parents of children receiving public assistance.

**Savings in Special Vocational Programs (\$3.3 million GF-S savings).** Increased federal vocational rehabilitation funds will be targeted to people with mental illness and developmental disabilities, reducing the need for state expenditures.

### Restructured Services

**Department of Corrections (\$8.4 million GF-S savings)** Savings are made possible by delaying the opening of new work release facilities and by delaying the opening of the new Airway Heights facility. This is made possible, in part, by the creation of a new work ethic minimum security camp.

**Mental Health Reform (\$9.0 million GF-S savings, -57 FTEs).** The state will realize additional savings by stepping up reform efforts to move away from costly institutional placements, while investing in community-based care. Three wards will be partially closed at Western and Eastern State Hospitals, and a funding pool would be established for Eastern Washington regional support networks to assist in providing community-based care.

**Developmental Disabilities Institutions (\$12.1 million GF-S net savings, -313 FTEs).** Two state institutions for the mentally retarded (IMRs) would be partially converted and one entirely converted to nursing homes. The Interlake School will be closed (saving \$5.9 million), and its residents will be transferred to the state's five remaining developmental disabilities institutions. Space will be freed up in the other institutions by providing new community serv-

## 1993-95 Operating Budget Summary

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ices for 123 institutional residents who are ready to move, at a cost of \$4.7 million state.

**Nursing Home Alternative Care (\$11.4 million GF-S net savings).** Community-based alternatives to nursing home living will be expanded and will enable 750 nursing home residents to relocate to community-based settings. Additional savings of \$2.8 million will be realized by switching some CHORE recipients to federal Title XIX funding, and \$1.1 will be saved by utilizing the Volunteer Chore program for clients who require assistance with household tasks.

### Fees For Services

**Medicaid Co-payments (\$4.0 million GF-S savings).** Co-payments will be required for Medicaid services to help reduce costs and encourage appropriate use of resources. A \$1 fee will be charged for a regular check-up, for eye glasses or for dental services. Co-payments will not be imposed for children's services, maternity services or emergency care.

**Services for Juvenile Rehabilitation (\$4 million GF-S savings).** Parents of juvenile offenders in state facilities will be charged for a portion of the costs of residential services, based on their ability to pay.

**Services for Developmentally Disabled Children (\$3.0 million GF-S savings).** Parents of developmentally disabled children who are placed in foster care will be required to share in the cost of care. In addition, the amount of DD family support services a family receives will be adjusted on a sliding-fee basis according to family income.

### Program Reductions

**Funeral Assistance Program Eliminated (\$6.6 million GF-S savings).** The state will no longer pay for funeral and burial services for indigent people.

**Cap State's SSI Supplement (\$5.9 million GF-S savings).** The state supplements the federal cash assistance that is given to low-income people with permanent disabilities under the Supplemental Security Income (SSI) program. Limiting total state expenditures at the 1992 level will reduce state payments to recipients as the number of people receiving SSI increases. The monthly federal SSI payment of \$434 will not be affected by the SSI state supplement expenditure lid.

**PORTAL/Pioneer Program Restructured (\$2.5 million GF-S savings, -75 FTEs).** The Program Offering Rehabilitation, Training and Adult Living (PORTAL), a voluntary in-patient mental health program with 132 residents in Skagit County, will be closed by the end of 1993. In its place, a new, privately-operated program specializing in chemical dependency treatment for people with mental illness will be established at the same location. The Pioneer North program offering involuntary alcohol treatment will continue to operate, in coordination with the new program.

### Enhancements

**Long-Term Care (\$11.7 million GF-S).** Community alternatives to nursing home care are expanded and improved under an \$8.8 million appropriation, along with \$11.2 million in federal matching funds. In addition, the combination of \$2.9 million in state funds and \$3.4 million in federal support will provide another 600 assisted living placements.

**Child Care Vendor Rates (\$9.4 million GF-S).** Vendor rates for child care are raised by an average of 9 percent and capacity is increased by about 360 slots to accommodate the increased demand for child care among low-income working families or families receiving public assistance.

**Developmental Disabilities Employment (\$2.2 million GF-S).** By combining state and federal funds, a program that provides employment transition services to people with developmental disabilities who graduate from high school will be expanded to serve an additional 600 clients.

**ACES (\$8.9 million GF-S).** Funding is provided for the development of the Automated Client Eligibility System (ACES), a computer system designed to process applications for public assistance, calculate benefits and maintain case management information.

**Regional Support Networks (\$6.7 million GF-S).** An additional 3,300 emotionally disturbed children will be served as a result of a \$4.6 million enhancement to the Early and Periodic Screening, Diagnosis, and Treatment Program. Another \$2.1 million is provided to support the development of RSNs in Grays Harbor, Lewis, Pacific, Pierce, and Wahkiakum counties.

### Health Care Reform

**Coverage for the Uninsured (\$184 million).** On July 1, 1994, all uninsured children with family incomes under \$29,000 (for a family of four, or \$24,000 for a family of three) will become eligible for full health coverage under health-care reform. By the end of the biennium the budget anticipates 112,000 additional children would be covered. In addition, 68,495 uninsured adults and children will qualify for state-subsidized health coverage through the Basic Health Plan. In total, the state's subsidized Basic Health Plan and expanded Medicaid coverage for children will cover 180,495 uninsured residents. The Basic Health Plan will become available statewide and its group purchasing power also would be extended to families, individuals, and employers willing to purchase health coverage without subsidy. Community Clinics, which provide low-cost care for the working poor, will receive an additional \$5 million. Maternity care for low income women is expanded by \$1.8 million. Teaching and research assistants at state colleges and universities will receive full health coverage (\$4.8 million).

**Public Health Improvements (\$20 million).** Improvements include: enhanced funding for health departments throughout the state distributed on a per capita basis (\$10 million); immunization (\$1 million); teen pregnancy prevention (\$2.75 million); advertising to discourage substance abuse and encourage sexual abstinence among teens (\$1 million); a consolidated Poison Information Center (\$3.9 million); expanded family planning services for low-income women (\$1 million); enhanced programs for AIDS, sexually transmitted diseases, and pregnancy prevention for substance abusing women.

**Expanding Health System Capacity.** The budget funds a number of activities designed to improve the efficiency and availability of health care. The supply of primary care providers will be increased through scholarships and loans, expanded family practice residencies, training of volunteer emergency medical personnel, and recruitment and retention in underserved areas.

### General Government

#### Administrative Savings and Efficiencies

**Across-the-Board Reductions (\$7.3 million GF-S savings, -120 FTEs).** Administrative and other standard costs are reduced consistent with reductions in all other segments of state government.

**Agency Consolidation (\$341,000 non-general fund, -5 FTEs).** Under ESHB 2054 (civil service reform), the Higher Education Personnel Board is merged with the Department of Personnel. Approximately \$341,000 in savings is directly associated with the merger.

#### Enhancements

**Revenue Collection Enhancement (\$18.7 million GF-S, 117 FTEs).** Increased automation and improved audit and enforcement activities in the Department of Revenue will provide an additional \$69.6 million to the General Fund. A new collections unit in the Attorney General's office to pursue lien and bankruptcy collections will provide an additional \$6.8 million to the General Fund.

**Training and Employment Services (\$7.9 million non-general fund, 40 FTEs).** Enhanced funding for the Employment Security Department will provide additional resources and related support services for unemployed workers.

**Insurance Commissioner (\$1.5 million non-general fund, 8 FTEs).** The Insurance Commissioner will receive additional funding to review health care contract violations and increase the frequency of financial examinations of insurance companies.

**Management Training (\$1.1 million non-general fund, 5 FTEs).** Civil service reform legislation (ESHB 2054) creates a corps of state managers to be governed by separate, more flexible personnel policies than other state em-

ployees. The legislation also calls for increased training in effective management and managing a diverse workforce.

**Regulating Charity Solicitors (\$800,000 GF-S).** The Secretary of State Office's regulation of charitable fundraising activities is stepped up and made self-supporting. In addition, money is provided to train local election workers and to audit county election practices to ensure the integrity of the election process.

### Economic Development

#### Administrative Savings and Efficiencies

**Agency Merger (\$1.2 million GF-S savings, -9 FTEs).** The Department of Community Development and the Department of Trade and Economic Development are consolidated into one agency, resulting in administrative savings (ESSB 5868).

#### Program Reductions

**Economic Development Program Consolidation (\$1.2 million GF-S savings, -3 FTEs).** In the second year of the biennium, within the Department of Community Development, the current resources from 15 different individual economic development programs are consolidated. By pooling these resources, economic development activities are now directed toward prioritized needs and restructured to provide targeted assistance, training and technical assistance, and community investment.

**Reduce Contracts in the Department of Trade (\$2.0 million GF-S savings).** Reductions are made to contracts which the Department of Trade and Economic Development administers. Significant reductions include the Washington Technology Center (WTC) contract, which is reduced by \$1.5 million (21 percent). Contracts for forest product feasibility studies are also reduced by \$340,000.

**Agency Reprioritization (\$2.9 GF-S savings).** Reductions based on agency reprioritization are not specified in order to give the greatest amount of latitude in determining funding priorities.

#### Enhancements

**Off-Season Tourism Initiative (\$1.0 million GF-S).** The off-season tourism initiative within the Department of Trade and Economic Development is expanded to target and assist rural communities.

**Local Development Capacity (\$292,000 GF-S, \$208,000 Federal funds).** New funding is provided to implement an economic development training program for local organizations. Training areas will include business finance, infrastructure finance, and housing finance.

**Russian Trade Office (\$80,000 GF-S, \$40,000 Local Funds).** State funding is provided to develop a Russian trade office.

## 1993-95 Operating Budget Summary

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**Minority & Women-Owned Business (\$250,000 GF-S).** State funding is provided for the Department of Trade and Economic Development to assist minority and women-owned businesses, as provided under ESHB 1493.

### Natural Resources

#### Administrative Savings and Efficiencies

**Across-the-Board Reductions (\$18.6 million GF-S savings, -151 FTEs).** Administrative and other standard costs are reduced consistent with reductions in all other segments of state government.

**Camping Fees (\$7.7 million).** The budget assumes that a fee increase will maintain all existing state parks and recreational areas.

**Agency Consolidation (\$1.0 million GF-S and State Wildlife Fund savings, -10 FTEs).** The Departments of Fisheries and Wildlife are merged.

**Department of Agriculture Administration Fund Shift (\$2.9 million GF-S savings).** The state general fund has historically supported all administration costs for the Department of Agriculture. The budget transfers \$2.9 million from agricultural local funds to offset an equal general fund-state administration reduction.

#### Enhancements

**Environmental Restoration (\$6.5 million GF-S).** New funding is provided to address critical ecosystem management needs in watersheds and forests. The Department of Natural Resources will receive \$3.25 million to provide work opportunities for displaced workers in timber communities by performing alternative forestry techniques. The Department of Ecology will also receive \$3.25 million for labor intensive grant projects to implement watershed action plans, restore sensitive riparian habitat and wetlands, address on-site septic system problems, initiate farm management plans, and correct stormwater problems.

**Stewardship Needs on State Lands (\$4.5 million GF-S).** Additional funding will re-activate and expand the Washington Conservation Corps. Young people, between the ages of 18 and 25, will be given the opportunity to work on state park lands, recreational, timber and wildlife land to address critical conservation, operation and maintenance issues.

**Shellfish & Wild Salmon Enhancement (\$2 million Aquatic Lands Enhancement Account, 10 FTEs).** Increased funding is provided for efforts to restore wild salmon stocks. Aggressive action by the state will help to avoid the imposition of endangered species recovery plans by the Federal government. \$550,000 of the total is provided for increased shellfish management, including additional fisheries patrol officers.

**Water Resources (\$400,000 GF-S).** Funding is provided to continue the pilot projects for a regional approach to

water resources administration and to begin implementation in two additional regions.

**Recycling and Waste Reduction (\$10.2 million non-general fund).** The sunset on the one percent solid waste tax is extended from June 30, 1993 to June 30, 1995. Most of the funds will go to local governments for waste reduction and recycling efforts.

**Recreational Fish Enhancement (\$4 million non-general fund).** Puget Sound salmon resources for recreational fishing will be increased through innovative rearing techniques and spawning habit improvements. This initiative is supported by a surcharge on salmon fishing licenses in the Puget Sound.

**Forest Practices (\$1.5 million GF-S).** Additional funding is provided for workload associated with watershed analysis required in the Forest Practices Program.

**Central Puget Sound Water Resources Planning (\$256,000 GF-S).** Funding is provided to begin a water resources planning process in the Central Puget Sound basin.

**Water Rights Data Management (\$2.0 million GF-S).** Two million is provided to continue the water rights data management project initiated during the current biennium.

**Lower Columbia River Water Quality (\$465,000, state toxics control account).** Funding is provided to continue the efforts begun in the 1991-93 biennium to address water quality issues in the Columbia River in coordination with Oregon, ports and industry.

#### Program Reductions

**CMER Program (\$1.3 million GF-S savings):** This reduction in the Cooperative, Management, Evaluation and Research program will reduce contracts for forestry and wildlife research. Remaining funds will allow the Department of Natural Resources to complete the most critical research projects already in progress.

**Fire Road Maintenance (\$1 million GF-S savings).** Tax support for the maintenance of private forest roads is withdrawn.

**Agriculture Programs (\$1.5 million GF-S savings):** State tax support for various agricultural programs is reduced. Affected programs include agricultural marketing, the aquaculture program and animal damage program.

**Growth Management Planning Grants (\$0.9 million GF-S savings).** A reduction of \$0.9 million is assumed in growth management grant funding. The budget continues to provide \$12.3 million in financial support to the 26 counties and the 180 cities planning under the Growth Management Act.

**Water Rights Administration (\$2.4 million GF-S savings, -15 FTEs).** Funding for the administration of water rights is reduced in the second year of the biennium. If legislation funding 50% of the program from fees is enacted by June 30, 1994, the legislature intends to increase funding.

## Compensation

**Salary Increases (\$0).** The proposed budget does not provide for across-the-board salary increases for state, higher education, or K-12 employees.

**Freeze on Top Salaries (\$1.3 million, GF-S savings).** No salary increments or pay raises are allowed for state, higher education, or K-12 employees paid more than \$45,000.

**Maintain Funding for Employee Health Benefits (\$39.3 million GF-S).** Increased costs of health benefits for state, higher education, and school district employees are funded.

**Assistance for Laid-off Employees (\$1.1 million Total Funds).** Permanent state employees who are laid off can apply for financial assistance of \$100 per month off the cost of their health insurance for up to 6 months. Career transition services and job search assistance will also be provided.

**Early Retirement (\$6.5 million GF-S net savings).** Under SB 5888, teachers and public employees with at least 25 years of service, at least 20 years of service at age 50, or at least 5 years of service at age 55 can retire early. School employees must be retired by August 31; other public employees have until December 31 to retire.

**Continue 1991-93 COLA (\$10.3 million GF-S).** The COLA granted during the 1991-93 biennium for retired teachers and public employees is continued in SB 5888. This COLA provided retirees with the increase necessary to bring their pensions up to 60 percent of the purchasing power the pension had when the retirees were age 65.

**New COLA (\$6.8 million GF-S).** SB 5888 creates a COLA for retired teachers and retired public employees who are not currently receiving any regular pension adjustment, who are at least age 70 as of July 1, 1993, and who have been retired at least 5 years.

**City Employees' Retirement (\$1.2 million GF-S).** Employees of Seattle, Spokane, and Tacoma will be able to transfer retirement credit with the state retirement systems without a financial penalty under SB 5888.

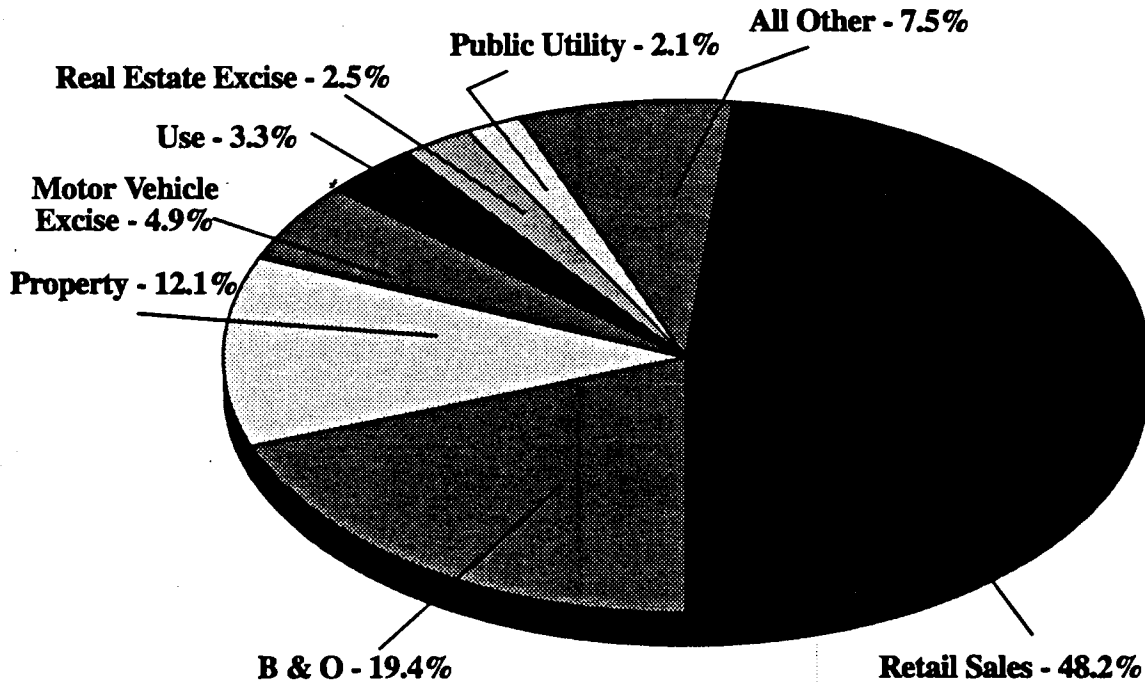
**Reduce LEOFF II Retirement Age (\$4.8 million GF-S).** The retirement age for police and firefighters is reduced from 58 to 55 under the LEOFF II retirement system, as provided in HB 1294. An indexed benefit for members who leave public service with at least 20 years of service and later collect a retirement check is provided, and employees who leave after 10 years of service will be able to receive a 150 percent cash-out of their accumulated retirement contributions.

**Reduced Pension Contributions (\$48 million GF-S savings).** The latest estimates from the State Actuary on the contributions required to pay off the unfunded liability in the pension funds by the year 2024 are assumed (SB 5888).



**Washington State Revenue Forecast  
1993-95 General Fund – State Revenues by Source**

Updated for 1993 Legislative Session  
(Dollars in Millions)



SOURCES OF REVENUE		
Retail Sales		\$7,813.7
B & O		3,149.4
Property		1,956.3
Motor Vehicle Excise		792.8
Use		534.1
Real Estate Excise		407.9
Public Utility		344.5
All Other		1,222.4
	<b>*1993-95 Forecast</b>	<b>\$16,221.1</b>

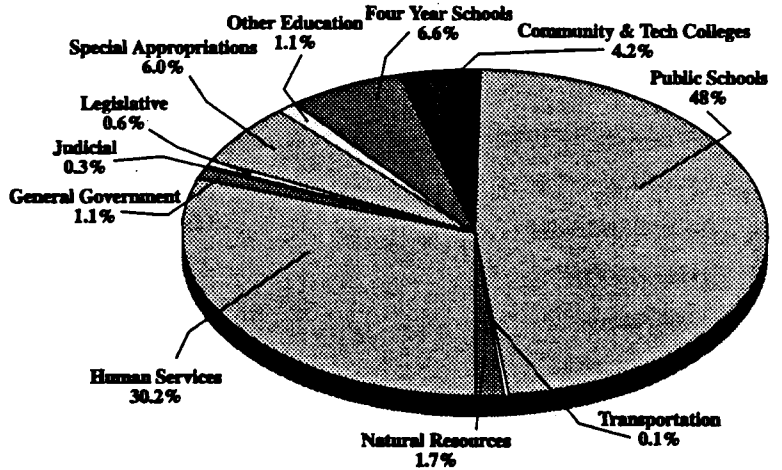
\*1993-95 General Fund-State Revenues are comprised of the March 1993 Forecast: \$15,461.8; the 1993 Tax Package: \$668.0; Budget Driven Revenue and Revenue Legislation: \$151.2; and Local Criminal Justice Assistance: (\$60.0).

Washington State 1993-95 Operating Budget

(Dollars in Thousands)

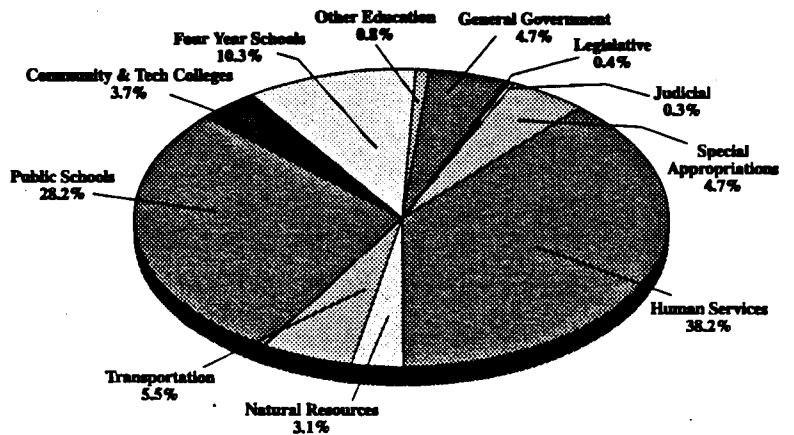
General Fund – State

Legislative	\$ 101,545
Judicial	55,510
General Government	182,816
Human Services	4,875,185
Natural Resources	274,657
Transportation	20,759
Public Schools	7,753,641
Comm & Tech Colleges	676,763
Four Year Schools	1,058,198
Other Education	175,519
Special Appropriations	962,129
<b>Statewide Total:</b>	<b>\$16,136,722</b>



Total Budgeted Funds

Legislative	\$ 108,635
Judicial	98,894
General Government	1,407,183
Human Services	11,397,453
Natural Resources	937,174
Transportation	1,625,958
Public Schools	8,409,691
Comm & Tech Colleges	1,104,194
Four Year Schools	3,082,669
Other Education	229,052
Special Appropriations	1,404,072
<b>Statewide Total:</b>	<b>\$29,804,975</b>



Note: Amounts are based on 1993 Legislative action.

## Washington State Operating Budget Comparisons

### Washington State Operating Budget Comparisons

1991-93 Estimated vs. 1993-95 Legislative Budget

(Dollars in Thousands)

	General Fund – State			Total All Funds		
	1991-93	1993-95	Difference	1991-93	1993-95	Difference
Legislative	111,730	101,545	(10,185)	118,993	108,635	(10,358)
Judicial	65,157	55,510	(9,647)	93,129	98,894	5,765
General Government	176,737	182,816	6,079	1,294,148	1,407,183	113,035
Human Services	4,577,357	4,875,185	297,828	9,713,380	11,397,453	1,684,073
Natural Resources	306,560	274,657	(31,903)	906,767	937,174	30,407
Transportation	42,658	20,759	(21,899)	1,329,250	1,625,958	296,708
Total Education	8,997,975	9,664,121	666,146	11,800,943	12,825,606	1,024,663
Public Schools	7,070,481	7,753,641	683,160	7,655,011	8,409,691	754,680
Community & Technical Colleges	694,523	676,763	(17,760)	1,000,910	1,104,194	103,284
Four Year Schools	1,107,263	1,058,198	(49,065)	2,971,968	3,082,669	110,701
Other Education	125,708	175,519	49,811	173,054	229,052	55,998
Special Appropriations	755,426	962,129	206,703	1,141,875	1,404,072	262,197
<b>Statewide Total:</b>	<b>15,033,600</b>	<b>16,136,722</b>	<b>1,103,122</b>	<b>26,398,485</b>	<b>29,804,975</b>	<b>3,406,490</b>

Note: Amounts are based on 1993 Legislative action.

## Washington State Operating Budget Comparisons

### TOTAL LEGISLATIVE & JUDICIAL

(Dollars in Thousands)

	General Fund – State			Total All Funds		
	1991-93	1993-95	Difference	1991-93	1993-95	Difference
<b>Legislative</b>	111,730	101,545	(10,185)	118,993	108,635	(10,358)
House of Representatives	51,772	46,189	(5,583)	51,772	46,189	(5,583)
Senate	39,657	35,457	(4,200)	39,657	35,457	(4,200)
Legislative Budget Committee	2,194	2,067	(127)	2,194	2,632	438
Legislative Transportation Comm				3,926	2,644	(1,282)
LEAP Committee	2,680	2,400	(280)	3,070	2,810	(260)
Office of the State Actuary				1,320	1,649	329
Joint Legislative Systems Comm	7,996	9,480	1,484	7,996	9,480	1,484
Statute Law Committee	6,628	5,952	(676)	8,255	7,774	(481)
Redistricting Commission	803		(803)	803		(803)
<b>Judicial</b>	65,157	55,510	(9,647)	93,129	98,894	5,765
Supreme Court	16,616	9,769	(6,847)	16,616	9,769	(6,847)
State Law Library	3,082	3,193	111	3,082	3,193	111
Court of Appeals	16,078	17,117	1,039	16,078	17,117	1,039
Commission on Judicial Conduct	1,025	1,013	(12)	1,025	1,013	(12)
Office of Administrator for Courts	28,356	24,418	(3,938)	56,328	67,802	11,474
<i>Total Legislative &amp; Judicial</i>	<u>176,887</u>	<u>157,055</u>	<u>(19,832)</u>	<u>212,122</u>	<u>207,529</u>	<u>(4,593)</u>

## Washington State Operating Budget Comparisons

### TOTAL GENERAL GOVERNMENT

(Dollars in Thousands)

	General Fund – State			Total All Funds		
	1991-93	1993-95	Difference	1991-93	1993-95	Difference
Dept of Financial Institutions					9,775	9,775
Office of the Governor	7,514	6,138	(1,376)	7,514	6,138	(1,376)
Office of the Lieutenant Governor	516	484	(32)	516	484	(32)
Public Disclosure Commission	1,904	1,989	85	1,904	1,989	85
Office of the Secretary of State	12,744	8,049	(4,695)	17,436	12,577	(4,859)
Governor's Office of Indian Affairs	320	297	(23)	320	297	(23)
Comm on Asian-American Affairs	366	336	(30)	366	336	(30)
Office of the State Treasurer	1	(1)	9,789	10,020	231	
Office of the State Auditor	606	20	(586)	34,246	36,984	2,738
Comm Salaries for Elected Officials	76	66	(10)	76	66	(10)
Office of the Attorney General	6,965	5,918	(1,047)	104,481	110,379	5,898
Economic & Revenue Forecast Coun	844	815	(29)	844	815	(29)
Office of Financial Management	19,071	19,660	589	32,617	35,083	2,466
Office of Administrative Hearing				12,253	12,535	282
Department of Personnel				27,546	28,493	947
Deferred Compensation Committee	376		(376)	2,518	2,692	174
State Lottery Commission				406,220	478,141	71,921
Washington State Gambling Comm				12,468	14,263	1,795
WA State Comm on Hispanic Affair	404	375	(29)	404	375	(29)
Gov Comm on African-American Aff	288	271	(17)	288	271	(17)
Personnel Appeals Board				888	1,268	380
Department of Retirement Systems	2		(2)	29,986	31,988	2,002
State Investment Board	2		(2)	6,516	6,939	423
Department of Revenue	100,031	123,538	23,507	106,817	130,242	23,425
Board of Tax Appeals	1,580	1,340	(240)	1,580	1,340	(240)
Municipal Research Council	2,386	2,944	558	2,386	2,944	558
Uniform Legislation Commission	46	47	1	46	47	1
Minority & Women's Business Ente	2,264		(2,264)	2,264	2,103	(161)
Dept of General Administration	5,674	393	(5,281)	104,057	100,948	(3,109)
Department of Information Services	406		(406)	186,290	180,252	(6,038)
United States Presidential Elect	2		(2)	2		(2)
Office of Insurance Commissioner	10		(10)	16,006	18,310	2,304
State Board of Accountancy	500		(500)	1,176	1,202	26
Death Investigation Council				12	14	2
Professional Athletic Commission	132		(132)	132		(132)
Washington Horse Racing Comm				4,992	4,876	(116)
WA State Liquor Control Board	2		(2)	107,596	111,231	3,635
Utilities and Transportation Comm	36		(36)	30,636	29,559	(1,077)
Board for Volunteer Firefighters				384	398	14
Military Department	9,460	8,365	(1,095)	18,367	17,401	(966)
Public Employment Relations Comm	2,209	1,771	(438)	2,209	4,408	2,199
<b>Total General Government:</b>	<b>176,737</b>	<b>182,816</b>	<b>6,079</b>	<b>1,294,148</b>	<b>1,407,183</b>	<b>113,035</b>

## Washington State Operating Budget Comparisons

### TOTAL HUMAN RESOURCES

(Dollars in Thousands)

	General Fund – State			Total All Funds		
	1991-93	1993-95	Difference	1991-93	1993-95	Difference
<b>DSHS</b>	3,760,644	3,945,485	184,841	7,704,161	9,025,364	1,321,203
Health Care Commission					4,004	4,004
WA State Health Care Authority	356	6,810	6,454	10,276	158,771	148,495
Department of Community Developm	99,428	88,457	(10,971)	344,330	327,974	(16,356)
Human Rights Commission	3,971	3,919	(52)	5,055	5,330	275
Bd of Industrial Insurance Appea	4	110	106	17,935	20,518	2,583
Criminal Justice Training Comm	62		(62)	11,956	11,200	(756)
Department of Labor and Industri	10,448	9,241	(1,207)	346,172	378,674	32,502
Indeterminate Sentence Review Bo	3,002	2,643	(359)	3,002	2,643	(359)
Department of Health	118,834	92,520	(26,314)	303,238	352,609	49,371
Department of Veterans' Affairs	24,092	20,701	(3,391)	42,045	46,942	4,897
Department of Corrections	512,816	700,639	187,823	562,082	704,511	142,429
Dept of Services for the Blind	2,844	2,601	(243)	12,576	12,925	349
Washington Basic Health Plan	39,714		(39,714)	48,062		(48,062)
Sentencing Guidelines Commission	706	662	(44)	706	662	(44)
Department of Employment Security	436	1,397	961	301,784	345,326	43,542
<b>Total Human Services:</b>	<u>4,577,357</u>	<u>4,875,185</u>	<u>297,828</u>	<u>9,713,380</u>	<u>11,397,453</u>	<u>1,684,073</u>



## Washington State Operating Budget Comparisons

### TOTAL DEPARTMENT OF SOCIAL & HEALTH SERVICES

(Dollars in Thousands)

	General Fund – State			Total All Funds		
	1991-93	1993-95	Difference	1991-93	1993-95	Difference
Children and Family Service	276,177	292,004	15,827	461,957	489,133	27,176
Juvenile Rehabilitation	117,032	120,210	3,178	121,660	131,135	9,475
Mental Health	447,766	398,605	(49,161)	656,759	714,073	57,314
Developmental Disabilities	355,046	330,879	(24,167)	657,306	638,357	(18,949)
Long-Term Care Services	530,280	618,987	88,707	1,143,661	1,359,018	215,357
Income Assistance Grants	593,365	653,252	59,887	1,312,336	1,253,238	(59,098)
Alcohol & Substance Abuse	40,423	15,355	(25,068)	126,410	149,402	22,992
Medical Assistance Payments	1,053,197	1,167,705	114,508	2,432,543	3,388,786	956,243
Vocational Rehabilitation	16,281	15,406	(875)	80,678	83,643	2,965
Administration/Support Svcs	47,149	46,547	(602)	89,544	83,967	(5,577)
Community Services Admin	201,640	219,837	18,197	418,192	477,867	59,675
Revenue Collections	51,764	35,763	(16,001)	159,312	214,086	54,774
Payments to Other Agencies	30,524	30,935	411	43,803	42,659	(1,144)
<b>Total DSHS:</b>	<b>3,760,644</b>	<b>3,945,485</b>	<b>184,841</b>	<b>7,704,161</b>	<b>9,025,364</b>	<b>1,321,203</b>

## Washington State Operating Budget Comparisons

### TOTAL NATURAL RESOURCES

(Dollars in Thousands)

	General Fund – State			Total All Funds		
	1991-93	1993-95	Difference	1991-93	1993-95	Difference
Washington State Energy Office	2,238	1,518	(720)	52,390	47,176	(5,214)
Columbia River Gorge Commission	520	574	54	1,002	1,116	114
Department of Ecology	55,800	55,625	(175)	237,854	261,607	23,753
WA Pollution Liab Insurance Prog				903	906	3
State Parks and Recreation Comm	53,176	54,130	954	59,859	61,751	1,892
Interagency Comm for Outdoor Rec	200		(200)	2,587	2,600	13
Environmental Hearings Office	1,195	1,205	10	1,195	1,205	10
Dept of Trade and Economic Devel	29,355	25,026	(4,329)	34,885	35,018	133
State Conservation Commission	2,030	1,670	(360)	2,228	1,872	(356)
Winter Recreation Commission	12		(12)	12		(12)
Puget Sound Water Quality Author	3,592	3,059	(533)	4,894	4,207	(687)
Office of Marine Safety				3,504	4,496	992
Growth Planning Hearings Office		3,028	3,028		3,028	3,028
Department of Fisheries	55,960	55,740	(220)	93,813	100,082	6,269
Department of Wildlife	11,276	10,226	(1,050)	91,116	109,194	18,078
Department of Natural Resources	68,145	49,394	(18,751)	227,070	216,718	(10,352)
Department of Agriculture	23,061	13,462	(9,599)	71,665	66,727	(4,938)
State Convention and Trade Center				21,790	19,471	(2,319)
<b>Total Natural Resources:</b>	<b>306,560</b>	<b>274,657</b>	<b>(31,903)</b>	<b>906,767</b>	<b>937,174</b>	<b>30,407</b>

## Washington State Operating Budget Comparisons

### TOTAL TRANSPORTATION

(Dollars in Thousands)

	General Fund - State			Total All Funds		
	1991-93	1993-95	Difference	1991-93	1993-95	Difference
Board of Pilotage Commissioners				206	218	12
Washington State Patrol	24,310	14,223	(10,087)	229,568	234,382	4,814
WA Traffic Safety Commission				7,858	3,357	(4,501)
Department of Licensing	18,348	6,536	(11,812)	162,526	164,674	2,148
Department of Transportation				768,410	921,037	152,627
County Road Administration Board				62,527	87,924	25,397
Transportation Improvement Board				95,340	211,822	116,482
Marine Employees' Commission				343	373	30
Transportation Commission				1,552	1,637	85
Air Transportation Commission				920	534	(386)
<b>Total Transportation:</b>	<b>42,658</b>	<b>20,759</b>	<b>(21,899)</b>	<b>1,329,250</b>	<b>1,625,958</b>	<b>296,708</b>

## Washington State Operating Budget Comparisons

### TOTAL EDUCATION

(Dollars in Thousands)

	General Fund – State			Total All Funds		
	1991-93	1993-95	Difference	1991-93	1993-95	Difference
Public Schools	7,070,481	7,753,641	683,160	7,655,011	8,409,691	754,680
Community & Technical Colleges	694,523	676,763	(17,760)	1,000,910	1,104,194	103,284
<b>Four Year Schools</b>	<b>1,107,263</b>	<b>1,058,198</b>	<b>(49,065)</b>	<b>2,971,968</b>	<b>3,082,669</b>	<b>110,701</b>
University of Washington	531,149	507,618	(23,531)	1,985,681	2,027,514	41,833
Washington State University	305,180	292,460	(12,720)	551,114	601,678	50,564
Eastern Washington University	76,461	72,813	(3,648)	119,034	126,076	7,042
Central Washington University	67,360	66,482	(878)	108,938	113,843	4,905
The Evergreen State College	41,044	37,207	(3,837)	59,711	60,089	378
Western Washington University	86,069	81,618	(4,451)	147,490	153,469	5,979
<b>Other Education</b>	<b>125,708</b>	<b>175,519</b>	<b>49,811</b>	<b>173,054</b>	<b>229,052</b>	<b>55,998</b>
Compact for Education	98		(98)	98		(98)
Higher Education Coordinating	79,251	130,333	51,082	83,493	140,105	56,612
State School for the Blind	6,626	6,862	236	6,626	6,888	262
State School for the Deaf	12,608	12,566	(42)	12,608	12,606	(2)
Work Force Trng & Educ Coord B	4,076	3,517	(559)	37,686	38,666	980
Joint Center for Higher Education	601	711	110,601	865	264	
Higher Education Personnel Board				2,312	1,898	(414)
State Library	14,422	14,062	(360)	19,218	18,904	(314)
Washington State Arts Commission	4,700	4,274	(426)	6,044	5,208	(836)
Washington State Historical Society	1,354	2,321	967	2,092	2,963	871
East Wash State Historical Society	884	873	(11)	1,110	949	(161)
State Capitol Historical Association	1,088		(1,088)	1,166		(1,166)
<b>Total Education:</b>	<b>8,997,975</b>	<b>9,664,121</b>	<b>666,146</b>	<b>11,800,943</b>	<b>12,825,606</b>	<b>1,024,663</b>

## Washington State Operating Budget Comparisons

### TOTAL PUBLIC SCHOOLS

(Dollars in Thousands)

	General Fund – State			Total All Funds		
	1991-93	1993-95	Difference	1991-93	1993-95	Difference
State Office Administration	23,180	34,414	11,234	37,840	72,201	34,361
General Apportionment	5,552,495	6,019,646	467,151	5,552,495	6,019,646	467,151
Pupil Transportation	315,177	351,143	35,966	315,177	351,143	35,966
School Food Services	6,000	6,000		215,270	250,886	35,616
Handicapped Education	737,602	867,311	129,709	821,502	965,995	144,493
Traffic Safety Education	2,002		(2,002)	10,360	16,979	6,619
Educational Service Districts	10,925	9,891	(1,034)	10,925	9,891	(1,034)
Levy Equalization	149,578	149,596	18	149,578	149,596	18
Elementary/Secondary School Impr				178,000	197,580	19,580
Indian Education				332	370	38
Institutional Education	26,367	22,869	(3,498)	34,067	31,417	(2,650)
Ed of Highly Capable Students	10,386	8,983	(1,403)	10,386	8,983	(1,403)
School District Support	5,646		(5,646)	25,240		(25,240)
Education Reform		57,990	57,990		57,990	57,990
Special and Pilot Programs	44,147		(44,147)	55,647		(55,647)
Federal Encumbrances				51,216	51,216	
Transitional Bilingual Instruction	31,675	46,940	15,265	31,675	46,940	15,265
Remediation Assistance	100,073	108,456	8,383	100,073	108,456	8,383
Educational Clinics	3,406		(3,406)	3,406		(3,406)
Education Enhancement	57,745	47,832	(9,913)	57,745	47,832	(9,913)
Compensation Adjustments	2,253	22,570	20,317	2,253	22,570	20,317
Teachers' Retirement	(8,200)		8,200	(8,200)		8,200
Belated Claims	24		(24)	24		(24)
<b>Total Public Schools:</b>	<b>7,070,481</b>	<b>7,753,641</b>	<b>683,160</b>	<b>7,655,011</b>	<b>8,409,691</b>	<b>754,680</b>

## Washington State Operating Budget Comparisons

### TOTAL SPECIAL APPROPRIATIONS

(Dollars in Thousands)

	General Fund – State			Total All Funds		
	1991-93	1993-95	Difference	1991-93	1993-95	Difference
Bond Retirement and Interest	590,702	765,533	174,831	973,466	1,189,781	216,315
Special Approps to the Governor	155	13,194	13,039	155	24,597	24,442
Belated Claims	816		(816)	816		(816)
Sundry Claims	241	1,950	1,709	3,926	1,950	(1,976)
State Employee Compensation Adjust		4,093	4,093		10,385	10,385
Agency Loans	13,266	7,380	(5,886)	13,266	7,380	(5,886)
Contributions to Retirement System	<u>150,246</u>	<u>169,979</u>	<u>19,733</u>	<u>150,246</u>	<u>169,979</u>	<u>19,733</u>
<i>Total Special Appropriations:</i>	<b>755,426</b>	<b>962,129</b>	<b>206,703</b>	<b>1,141,875</b>	<b>1,404,072</b>	<b>262,197</b>



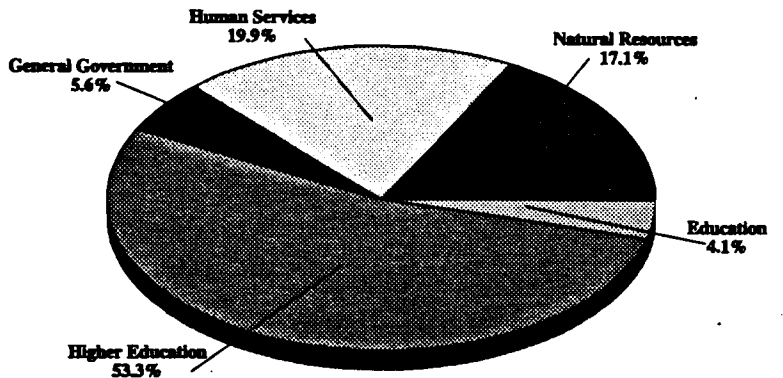
**1993-95 Capital Budget (ESSB 5717)**

**1993-95 Capital Budget (ESSB 5717)**

(Dollars in Thousands)

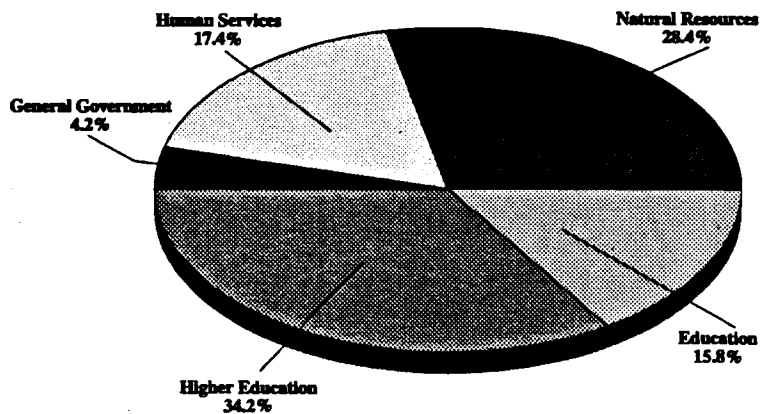
**Debt Limit Bonds**

General Government	52,335
Human Resources	186,057
Natural Resources	160,233
Education	38,226
Higher Education	498,711
<b>Statewide Total:</b>	<b>\$935,563</b>



**Total New Appropriations**

General Government	71,675
Human Resources	298,662
Natural Resources	485,858
Education	271,405
Higher Education	585,830
<b>Statewide Total:</b>	<b>\$1,713,430</b>



Note: Amounts are based on 1993 Legislative action.

**1993-95 Capital Budget (ESSB 5717)**

**1993-95 Capital Budget**

New Projects	Governor Gardner's Budget	Legislative Budget	Debt Limit Bonds
<b>COURT OF APPEALS</b>			
Division III: Vault Enlargement	65,000	65,000	65,000
Division III: New Judges Chambers	145,000	0	0
Division III: Work Space	217,500	0	0
<i>Agency Total</i>	427,500	65,000	65,000
<b>OFFICE OF THE SECRETARY OF STATE</b>			
Central Washington Regional Archives: Construct	3,934,000	3,934,000	3,934,000
Puget Sound Regional Branch	0	140,000	140,000
Eastern Washington Regional Archives: Predesign	58,200	58,200	58,200
<i>Agency Total</i>	3,992,200	4,132,200	4,132,200
<b>OFFICE OF FINANCIAL MANAGEMENT</b>			
Underground Storage Tank: Pool	4,000,000	3,120,000	3,120,000
Asbestos Removal or Abatement: Pool	9,000,000	7,020,000	7,020,000
New Higher Education Site	0	4,500,000	4,500,000
Americans with Disabilities Act: Pool	12,000,000	9,360,000	9,360,000
Statewide Minor Works Reduction	0	0	0
Capital Operations	300,000	300,000	300,000
<i>Agency Total</i>	25,300,000	24,300,000	24,300,000
<b>DEPARTMENT OF GENERAL ADMINISTRATION</b>			
Heritage Park: Land/Design/Construct	13,800,000	330,000	330,000
Small and Emergency: Repairs	946,000	946,000	275,000
Underground Storage Tanks: Remove/Replace	350,000	150,000	90,000
Governor's Mansion: Remodel	567,000	0	0
CFC/Halon: Removal/Replacement	464,000	464,000	0
Capitol Campus: Preservation	3,819,000	3,425,000	3,037,000
Legislative Building: Preservation	304,000	304,000	304,000
Temple of Justice: Preservation	424,000	424,000	147,000
Northern State Multi-Service Center: Preservation	872,000	872,000	0
Office Building 2: Preservation	869,000	250,000	250,000
Modular Building: Preservation	251,000	251,000	251,000
Employment Security Building: Preservation	74,000	74,000	74,000
Archives Building: Remodel & Records Storage Study	98,000	0	0
Plaza/DOT Garage Repair and Study	261,000	261,000	235,000
Old Capitol Building: Preservation	1,179,000	1,179,000	1,179,000
Burien Training/Conference Center: Preservation	1,117,000	238,000	238,000

## 1993-95 Capital Budget (ESSB 5717)

New Projects	Governor Gardner's Budget	Legislative Budget	Debt Limit Bonds
Tumwater Satellite Campus: Land Acquisition	3,000,000	3,600,000	3,600,000
Collocation and Consolidation Planning	600,000	300,000	300,000
Lacey Light Industrial Park: Land Acquisition	1,100,000	1,100,000	1,100,000
Engineering & Architectural Services: Project Mgmt	9,640,773	8,000,000	8,000,000
Library for the Blind & Physically Handicapped	0	1,400,000	1,400,000
Legislative Building: Predesign	127,000	0	0
General Administration Building: Remodel	2,800,000	0	0
<i>Agency Total</i>	42,662,773	23,568,000	20,810,000
<b>WASHINGTON STATE LIQUOR CONTROL BOARD</b>			
Distribution Center: Floor Voids and Wall Repair	50,000	50,000	0
Distribution Center: Security Fence Replacement	28,800	28,800	0
Distribution Center: Receiving Dock Cut-Outs	40,000	40,000	0
Distribution Center Warehouse: Reroof	3,500,000	3,500,000	0
<i>Agency Total</i>	3,618,800	3,618,800	0
<b>MILITARY DEPARTMENT</b>			
Minors Works: Support of Federal Construction Projects	4,404,200	4,404,200	406,200
Statewide: Preservation Projects	624,400	2,518,400	2,518,400
Underground Storage Tanks: Site Remediation	195,400	0	0
Building #33 - Camp Murray: Remodel	871,900	0	0
Armory - Seattle: Remodel	437,800	0	0
Armory - Wenatchee: Remodel	633,100	0	0
Armory - Olympia: Remodel	914,300	0	0
Armory - Port Orchard: Remodel	675,900	0	0
Armory - Buckley: Construction	311,000	311,000	0
Armory - Grandview: Construction	225,000	225,000	0
Armory - Moses Lake: Construction	229,000	229,000	0
Agency Headquarters/State Armory (Camp Murray)	Predesign	102,948	102,948
<i>Agency Total</i>	9,624,948	7,790,548	3,027,548
<b>WASHINGTON HORSE RACING COMMISSION</b>			
New Race Track	0	8,200,000	0
<i>Agency Total</i>	0	8,200,000	0
<b>TOTAL GENERAL GOVERNMENT</b>	<b>85,626,221</b>	<b>71,674,548</b>	<b>52,334,748</b>

**1993-95 Capital Budget (ESSB 5717)**

<b>New Projects</b>	<b>Governor Gardner's Budget</b>	<b>Legislative Budget</b>	<b>Debt Limit Bonds</b>
<b>DEPARTMENT OF COMMUNITY DEVELOPMENT</b>			
Development Loan Fund Recapitalization	5,500,000	4,000,000	2,000,000
Housing Assistance Program	34,000,000	34,000,000	34,000,000
Disabilities Housing Initiative	0	2,000,000	0
Low-Income Weatherization	8,000,000	8,000,000	8,000,000
Fire Training Academy: Preservation	1,489,642	1,350,000	1,350,000
Emergency Management Building: Preservation	85,084	85,084	85,084
Public Works Trust Fund Loans	101,876,640	93,876,640	0
CDBG Federal Stimulus Funding	0	0	0
Affordable Housing Program	8,000,000	8,000,000	8,000,000
Building for the Arts-Phase 2	9,300,072	5,961,086	5,961,086
Emergency Management Building: Predesign	53,425	53,425	53,425
Child Haven	0	975,000	975,000
Trade Recreational Agricultural Center (TRAC)	0	1,000,000	1,000,000
Bigelow House	0	308,000	308,000
Olympic Peninsula Natural History Museum	0	300,000	300,000
Sand Point Naval Station Planning	0	30,000	30,000
Thorp Grist Mill	0	100,000	100,000
Camp North Bend Environmental Center	0	200,000	200,000
7th Street Theatre	0	300,000	300,000
Kitsap Mental Health	0	500,000	500,000
Boren Field Repairs	0	275,000	275,000
Camelot Community Flooding Assitance	0	75,000	75,000
Sisters of Visitation Monastery & Retreat Center	0	405,000	405,000
Daybreak Star Center: Remodel	227,000	227,000	227,000
<i>Agency Total</i>	168,531,863	162,021,235	64,144,595
<b>DEPARTMENT OF LABOR AND INDUSTRIES</b>			
Child Development Center	830,000	0	0
<i>Agency Total</i>	830,000	0	0
<b>DEPT OF SOCIAL AND HEALTH SERVICES</b>			
Minor Capital Renewal: Preservation	4,929,400	3,928,000	928,000
Emergency Repairs: Preservation	250,000	250,000	0
Chloro-Fluoro-Carbon: Abatement	100,000	100,000	0
Project Predesigs	350,000	350,000	350,000
Juvenile Rehabilitation Division: Minor Projects	2,079,600	2,079,600	2,079,600
Child Care Coordinating Committee	0	1,000,000	1,000,000
Green Hill: Roof, Health, and Safety Repairs	0	240,000	240,000

## 1993-95 Capital Budget (ESSB 5717)

New Projects	Governor Gardner's Budget	Legislative Budget	Debt Limit Bonds
Mental Health Division: Minor Projects	1,845,300	1,845,300	1,845,300
Developmental Disabilities Division: Minor Projects	1,361,500	1,361,500	0
Underground Storage Tanks: Removal	410,000	410,000	0
Maple Lane School – Admin. Building: Remodel	3,273,500	3,273,500	3,273,500
Fircrest School – Apartment Building: Remodel	2,133,112	2,133,112	0
Maintenance Management and Planning	309,500	309,500	0
Maple Lane – Wastewater Treatment Plant	772,500	772,500	772,500
Naselle Youth Camp – Water System	1,165,694	1,165,694	1,165,694
Naselle Youth Camp – Replace Eagle Lodge	0	2,100,000	2,100,000
Echo Glen Center – Clinic: Addition/Remodel	1,086,614	1,086,614	1,086,614
Medical Lake – Wastewater Treatment Plant	750,444	750,444	750,444
Child Study Center – Admin. Building: Remodel	777,600	777,600	0
Western State Hospital – Ward Phase 6: Remodel	12,151,000	12,151,000	12,151,000
Eastern State Hospital – Ward Phase 4: Remodel	9,266,900	9,266,900	9,266,900
Frances H. Morgan Center: Remodel	1,721,300	1,721,300	1,721,300
<b>Agency Total</b>	<b>44,733,964</b>	<b>47,072,564</b>	<b>38,730,852</b>
<b>DEPARTMENT OF HEALTH</b>			
Laboratory – Expansion Phase II: Construction	12,583,468	12,583,468	12,583,468
Fircrest Campus – Health Laboratory: Preservation	615,000	615,000	0
Regional Office – Wenatchee: Remodel	91,947	91,947	0
<b>Agency Total</b>	<b>13,290,415</b>	<b>13,290,415</b>	<b>12,583,468</b>
<b>DEPARTMENT OF VETERANS' AFFAIRS</b>			
Veterans Home – Building 3: Feasibility Study	32,385	0	0
Korean Veteran's Memorial	0	20,000	20,000
Capital Emergencies: Preservation	150,000	150,000	0
Underground Storage Tank: Replacement	155,902	155,902	0
Soldiers Home – Mech/Elect/HVAC: Repairs	837,057	837,057	0
Soldiers Home – Building Exterior: Repairs	541,570	541,570	0
Soldiers Home – Building Interior: Remodel	1,130,159	162,659	0
Soldiers Home – Grounds: Improvements	432,595	275,595	0
Veterans Home – Mech/Elect/HVAC: Repairs	1,246,611	1,246,611	0
Veterans Home – Building Exterior: Repairs	377,895	377,895	0
Veterans Home – Building Interior: Remodel	135,084	135,084	0
Veterans Home – Grounds: Improvement	296,485	139,485	0
<b>Agency Total</b>	<b>5,335,743</b>	<b>4,041,858</b>	<b>20,000</b>

## 1993-95 Capital Budget (ESSB 5717)

New Projects	Governor Gardner's Budget	Legislative Budget	Debt Limit Bonds
<b>DEPARTMENT OF CORRECTIONS</b>			
Regulatory and Code Improvements: Preservation	11,962,526	11,962,526	10,736,573
Small Repairs and Improvements: Preservation	10,317,756	9,697,577	9,697,577
Roof Replacements & Building Improvements: Preservation	7,852,358	4,938,000	4,938,000
Internal Building Systems and Repairs: Preservation	14,206,546	9,211,013	8,779,445
Underground Storage Tanks: Preservation	513,848	513,848	513,848
McNeil Island Corrections Center: Implement Master Plan	12,878,689	12,878,689	12,878,689
Statewide Projects: Program	19,468,000	17,767,557	17,767,557
Airway Heights – 512 bed addition	0	4,000,000	4,000,000
Western Washington Pre-Release: Remodel	3,376,300	0	0
1936 Bed Multi-Custody Facility: Predesign/Acquisition	3,569,760	1,000,000	1,000,000
Green Hill: Predesign & Management Plan	0	0	0
Shelton Reception Center: 500 bed addition (predesign)	266,400	266,400	266,400
Coyote Ridge Dairy/Creamery: Design/Construction	10,998,000	0	0
<i>Agency Total</i>	95,410,183	72,235,610	70,578,089
<b>TOTAL HUMAN RESOURCES</b>	<b>328,132,168</b>	<b>298,661,682</b>	<b>186,057,004</b>
<b>WASHINGTON STATE ENERGY OFFICE</b>			
Energy Partnerships: Conservation	1,000,000	0	0
Energy Partnerships: Cogeneration	1,000,000	0	0
<i>Agency Total</i>	2,000,000	0	0
<b>DEPARTMENT OF ECOLOGY</b>			
Referendum 26: Waste Disposal Facilities	104,186	104,186	104,186
State Emergency Water Project Revolving Account	636,879	636,879	636,879
Referendum 39: Waste Disposal Facilities	42,000	42,000	42,000
Centennial Clean Water Fund: Water Quality Account	67,694,400	63,899,000	7,500,000
Federal Stimulus Funding – Water Pollution Control	0	0	0
Local Toxics Control Account	41,167,432	41,167,432	0
Water Pollution Control Revolving Account	155,348,492	98,651,467	0
Padilla Bay - Driveway and Parking Lot: Repair	100,000	100,000	100,000
<i>Agency Total</i>	265,093,389	204,600,964	8,383,065
<b>STATE PARKS AND RECREATION COMMISSION</b>			
Statewide – Emergency and Unforeseen Needs	500,000	500,000	500,000
Statewide – Underground Storage Tank: Remediation	800,000	800,000	800,000
Statewide – Building Systems: Preservation	3,400,000	3,400,000	3,400,000
Statewide: Preservation	1,223,500	1,223,500	1,223,500



## 1993-95 Capital Budget (ESSB 5717)

New Projects	Governor Gardner's Budget	Legislative Budget	Debt Limit Bonds
Statewide – Roadway: Preservation	2,000,000	2,000,000	0
Statewide Utility: Preservation	4,500,000	4,500,000	4,500,000
Trustland Acquisitions	0	50,352,000	45,798,000
San Juan Islands – Phase 1 & 2: Boating Facilities	1,865,300	1,212,500	0
Puget Sound/NW WA: Phase 1 & 2: Boating Facilities	1,669,900	1,080,400	0
Hood Canal to the Coast - Phase I: Boating Facilities	773,000	488,100	0
<b>Agency Total</b>	<b>16,731,700</b>	<b>65,556,500</b>	<b>56,221,500</b>
<b>INTERAGENCY COMMISSION FOR OUTDOOR RECREATION</b>			
Fire Arms Range Program	245,000	245,000	0
Grants to Public Agencies	1,000,000	1,000,000	0
Initiative 215 Projects	4,694,000	3,694,000	0
NOVA Projects	5,996,000	4,996,000	0
Grants to Public Agencies	5,653,614	5,653,614	0
Sunnyside Beach	0	0	0
Wildlife & Recreation Pgm - Parks/Trails/Water Access	42,500,000	32,500,000	28,025,800
Wildlife & Recreation Pgm - Habitat Conservation	42,500,000	32,500,000	32,500,000
<b>Agency Total</b>	<b>102,588,614</b>	<b>80,588,614</b>	<b>60,525,800</b>
<b>DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT</b>			
Community Economic Revitalization: Loans & Grants	5,195,000	5,195,000	0
WA Tech Ctr: Equipment Hookup & Fume Hoods	1,266,000	1,266,000	1,266,000
WA Tech Ctr: Advanced Materials Laboratory	550,000	0	0
Timber Ports Capital Asset Improvements	3,000,000	3,900,000	3,900,000
Johnson Observatory (Mt. St. Helens)	3,500,000	5,000,000	5,000,000
<b>Agency Total</b>	<b>13,511,000</b>	<b>15,361,000</b>	<b>10,166,000</b>
<b>STATE CONSERVATION COMMISSION</b>			
Dairy Waste Management	0	3,000,000	0
Water Quality Account Projects	2,224,000	2,224,000	0
<b>Agency Total</b>	<b>2,224,000</b>	<b>5,224,000</b>	<b>0</b>
<b>DEPARTMENT OF FISHERIES</b>			
South Sound Net Pens – Support Facilities	220,000	0	0
Minter Creek Hatchery Phase I: Reconstruction	1,400,000	1,400,000	1,400,000
Minor Works: Code Compliance	1,500,000	1,500,000	1,500,000
Facilities: Rehabilitation/Acquisition	2,285,000	2,185,000	2,185,000
Sunset Falls Fishway: Remodel	690,000	690,000	690,000
Skagit Salmon Hatchery Facility: Upgrade	722,000	722,000	722,000
Dungeness Hatchery Facility: Upgrade	837,000	837,000	837,000
South Sound Net Pens: Replacement	345,000	345,000	345,000

## 1993-95 Capital Budget (ESSB 5717)

New Projects	Governor Gardner's Budget	Legislative Budget	Debt Limit Bonds
Fishing Reef Marker Buoys: Replacement	50,000	50,000	50,000
Underground Storage Tanks: Removal/Replacement	200,000	200,000	200,000
Tideland: Acquisition	5,000,000	5,000,000	0
Fish Protection Facilities: Replace	1,600,000	1,600,000	600,000
Habitat/Salmon Enhancement Program	3,165,000	3,165,000	1,565,000
Habitat Management Shop Building: Construct	415,000	415,000	415,000
Coast/Puget Sound Wild Stock: Restoration	2,800,000	2,800,000	2,800,000
Puget Sound/Hood Canal Shellfish: Acquisition	1,500,000	0	0
Field Services Storage Units: Acquisition	150,000	150,000	150,000
Clam and Oyster Beach: Enhancement	1,200,000	1,200,000	1,200,000
Ringold Water – John Day Dam: Mitigation	5,000,000	5,000,000	0
Klickitat Acclimation Pond	2,500,000	2,500,000	0
Water Access & Development	630,000	455,000	0
<b>Agency Total</b>	<b>32,209,000</b>	<b>30,214,000</b>	<b>14,659,000</b>
<b>DEPARTMENT OF WILDLIFE</b>			
Health, Safety & Code: Compliance	830,000	830,000	830,000
Minor Works: Emergency Repair	500,000	500,000	500,000
Fishing Access Area: Redevelopment	2,258,000	1,387,000	0
Hatchery: Remodel	3,495,000	3,275,000	2,275,000
Statewide: Fence Repair	122,500	122,500	122,500
Wildlife Area: Repair	624,000	624,000	574,000
Sprague Lake Access Area: Development	173,000	173,000	0
Statewide: Fence Construction	627,500	627,500	627,500
Regional Office: Construction	1,549,609	138,000	0
Habitat: Acquisition	1,300,000	1,300,000	0
Migratory Waterfowl Habitat: Acquisition	350,000	350,000	0
Mitigation and Dedicated Fund Projects	11,050,000	11,050,000	0
Gloyd Seeps Fish Hatchery: Acquisition	0	1,870,000	1,870,000
Game Farm: Remodel	275,000	275,000	275,000
<b>Agency Total</b>	<b>23,154,609</b>	<b>22,522,000</b>	<b>7,074,000</b>
<b>DEPARTMENT OF NATURAL RESOURCES</b>			
South Puget Sound Office: Expansion	676,000	0	0
Americans with Disabilities Act: Compliance	100,000	100,000	31,000
Underground Storage Tanks: Removal	50,000	50,000	20,000
Statewide Emergency: Repairs	100,000	100,000	31,000
Environmental Protection: Design/Construction	82,500	82,500	33,800
Snowbird Well: Plug	179,500	179,500	179,500

## 1993-95 Capital Budget (ESSB 5717)

New Projects	Governor Gardner's Budget	Legislative Budget	Debt Limit Bonds
Minor Works: Facilities and Site Repair	922,000	922,000	391,200
Facilities: Small Repairs and Improvements	100,000	100,000	31,000
Recreation Sites: Emergency Repairs	100,000	100,000	100,000
Natural Resource Conservation Areas: Emerg Repairs	200,000	200,000	200,000
Natural Area: Preserve Management	150,000	150,000	150,000
Recreation: Health and Safety	300,000	300,000	300,000
Real Estate Property: Small Repairs & Improvements	200,000	200,000	0
Irrigation: Emergency Repairs	100,000	200,000	0
Real Estate: Tenant Improvements	700,000	700,000	0
Communication Site: Repair	300,000	300,000	0
Irrigation System: Replacement	300,000	300,000	0
Hazardous Waste Cleanup: State Lands	150,000	500,000	0
Minor Works: Road Maintenance	928,500	928,500	0
Fire Control Facilities: Upgrades	339,000	170,000	170,000
Minor Works: Facilities and Site Repairs	166,000	166,000	66,500
Long Lake Phase 3: Development	223,000	223,000	0
Seattle Waterfront Phase 2: Development	900,000	900,000	0
Commercial Development: LID	920,000	920,000	0
Rights of Way: Acquisition	1,193,000	1,193,000	0
Communication Sites: Construction	160,000	160,000	0
Irrigation: Development	100,000	336,000	0
Natural Resources Real Property Replacement Acct	25,000,000	25,000,000	0
Land Bank: Acquisition	18,000,000	18,000,000	0
Mountains to Sound Acquisition (Rattlesnake Ridge)	0	1,500,000	1,500,000
Mineral Resources: Testing	20,000	20,000	0
Aquatic Land Enhancement: Grants	10,541,000	2,776,000	0
Minor Works: Road Construction/Improvement	1,166,000	814,000	0
<b>Agency Total</b>	<b>64,366,500</b>	<b>57,590,500</b>	<b>3,204,000</b>
<b>FRUIT COMMISSION</b>			
New Building: Design/Construction	0	1,500,000	0
<b>Agency Total</b>	<b>0</b>	<b>1,500,000</b>	<b>0</b>
<b>WASHINGTON STATE CONVENTION &amp; TRADE CENTER</b>			
Eagle's Building Transfer / Loan Repayment	0	2,700,000	0
<b>Agency Total</b>	<b>0</b>	<b>2,700,000</b>	<b>0</b>
<b>TOTAL NATURAL RESOURCES</b>	<b>521,878,812</b>	<b>485,857,578</b>	<b>160,233,365</b>

## 1993-95 Capital Budget (ESSB 5717)

New Projects	Governor Gardner's Budget	Legislative Budget	Debt Limit Bonds
<b>STATE BOARD OF EDUCATION</b>			
Common Schools: Design/Construction	268,000,000	238,000,000	4,821,000
<i>Agency Total</i>	268,000,000	238,000,000	4,821,000
<b>STATE SCHOOL FOR THE BLIND</b>			
Campus Preservation	2,688,400	2,688,400	2,688,400
Demolish Commissary Building	547,455	547,455	547,455
<i>Agency Total</i>	3,235,855	3,235,855	3,235,855
<b>STATE SCHOOL FOR THE DEAF</b>			
Campus Preservation	1,553,415	1,553,415	1,553,415
Building Demolition of Mary Roberts Hospital	59,566	59,566	59,566
<i>Agency Total</i>	1,612,981	1,612,981	1,612,981
<b>WASHINGTON STATE HISTORICAL SOCIETY</b>			
Coach House Preservation	107,500	107,500	107,500
State Capital Museum Preservation	265,000	265,000	265,000
Stadium Way Facility Preservation	632,000	632,000	632,000
Washington State History Museum: Design/Construct	27,250,000	27,551,867	27,551,867
<i>Agency Total</i>	28,254,500	28,556,367	28,556,367
<b>TOTAL EDUCATION</b>	<b>301,103,336</b>	<b>271,405,203</b>	<b>38,226,203</b>
<b>HIGHER EDUCATION COORDINATING BOARD</b>			
North King Co. / South Snohomish Co. Needs Study	0	170,000	170,000
Facilities Inventory	0	0	0
<i>Agency Total</i>	0	170,000	170,000
<b>UNIVERSITY OF WASHINGTON</b>			
Biomedical Sciences Research Bldg: Financing	20,000,000	20,000,000	0
Electrical Eng./Computer Sciences Eng. Bldg: Construct	90,533,000	90,533,000	89,997,000
Old Physics Hall: Design/Construction	32,564,000	32,564,000	30,914,000
Business Administration: Expansion	6,850,000	6,850,000	6,850,000
Minor Repairs: Preservation	3,447,000	3,447,000	3,148,000
Minor Repairs: Renewal	8,250,000	8,250,000	0
Utilities Projects: Preservation	3,000,000	3,000,000	3,000,000
Henry Art Gallery	0	8,316,000	8,316,000
Art Building: Remodel	13,165,000	0	0
Suzzallo Library: Predesign	196,000	196,000	196,000
Oceanography Building: Predesign	107,000	0	0

## 1993-95 Capital Budget (ESSB 5717)

New Projects	Governor Gardner's Budget	Legislative Budget	Debt Limit Bonds
Support Services Building: Design/Construction	16,126,000	0	0
Minor Repairs: Program	7,071,000	7,071,000	0
Harborview Medical Center Research/Training Bldg Predesign	374,000	3,620,000	3,620,000
Condon Law Library: Predesign	128,000	128,000	128,000
Balmer Hall Remodel: Predesign	125,000	0	0
Bagley Hall: Predesign	145,000	0	0
Infrastructure Projects From Savings	0	1	1
Burke Washington State Museum	0	200,000	200,000
Branch Campuses	29,983,320	53,983,320	53,983,320
<i>Agency Total</i>	232,064,320	238,158,321	200,352,321
<b>WASHINGTON STATE UNIVERSITY</b>			
Todd Hall: Renovation	15,640,400	15,640,400	12,162,400
Fulmer Hall / Fulmer Annex: Renovation	12,511,500	12,511,500	12,511,500
Minor Capital Renewal: Preservation	6,000,000	6,000,000	6,000,000
Bohler Gym: Remodel	49,000	49,000	0
Thompson Hall: Remodel	697,000	697,000	697,000
Heald Hall: Remodel	854,400	0	0
Minor Works: Program	3,000,000	3,000,000	3,000,000
Minor Capital Improvements: Program	6,500,000	6,000,000	0
Chemical Storage Building: Predesign	56,000	56,000	0
Hazardous Waste Facilities: Predesign	211,000	211,000	0
Murrow Hall: Predesign	79,000	0	0
Wegner Hall: Predesign	162,000	0	0
Pathological/Biomedical Incinerator: Design/Construct	3,443,000	3,443,000	3,443,000
Communication Infrastructure: Campus Network	15,000,000	12,000,000	7,000,000
Engineering Teaching/Research Lab Building: Design	1,200,000	1,200,000	0
Chemical Waste Collection Facilities: Design/Construct	4,323,000	2,337,000	0
Bohler Gym Addition: Design/Construct	9,530,000	900,000	900,000
Animal Science Laboratory Building: Design	515,000	515,000	0
Carpenter Hall: Movable Equipment	700,000	700,000	0
Mainframe Computer Upgrade	3,818,601	0	0
University Center: Design	2,106,000	0	0
Prosser Septic System	0	1,250,000	0
Infrastructure Projects From Savings	0	1	1
Tri-Cities: Consolidated Information Center	0	1,410,000	1,224,000
ICNE Yakima Nursing Center	0	3,500,000	3,500,000
IMPACT	0	148,000	0

## 1993-95 Capital Budget (ESSB 5717)

New Projects	Governor Gardner's Budget	Legislative Budget	Debt Limit Bonds
Greenhouse Replacement	0	2,241,000	2,241,000
WSU-Vancouver: New Campus Construction	21,656,462	29,656,462	29,656,462
<i>Agency Total</i>	108,052,363	103,465,363	82,335,363
<b>EASTERN WASHINGTON UNIVERSITY</b>			
Sutton Hall: Remodel	4,875,000	4,875,000	4,875,000
JFK Library	0	2,050,000	2,050,000
Roof Replacement: Preservation	950,000	450,000	450,000
Telecommunications: Cable Replacement	1,000,000	1,000,000	0
Utility Expansion Joints & Utility Lines: Replacement	2,151,000	500,000	500,000
Chillers/HVAC/Boiler: Replacement	4,451,000	2,410,000	2,410,000
Building Exterior: Preservation	500,000	255,000	255,000
Electrical Systems/Transformers & Emergency Lighting	900,000	900,000	0
Minor Works: Preservation	2,924,000	2,924,000	0
Minor Works: Program	3,700,000	3,700,000	0
<i>Agency Total</i>	21,451,000	19,064,000	10,540,000
<b>CENTRAL WASHINGTON UNIVERSITY</b>			
Bouillon: Asbestos Abatement	4,950,000	4,950,000	4,950,000
Minor Works: Preservation	3,562,000	3,562,000	0
Underground Storage Tanks: Replacement	276,000	276,000	276,000
Electrical Cable: Replacement	950,000	950,000	950,000
Steamline: Replacement	850,000	850,000	850,000
Chilled Water: Expansion	800,000	0	0
Science Facility: Design/Construction	58,200,000	58,200,000	54,200,000
Computing Infrastructure	950,000	950,000	0
Minor Works: Program	2,572,000	2,572,000	65,000
Black Hall: Predesign	159,000	159,000	0
<i>Agency Total</i>	73,269,000	72,469,000	61,291,000
<b>THE EVERGREEN STATE COLLEGE</b>			
Campus Preservation	1,749,000	1,749,000	1,749,000
Failed Systems	955,000	955,000	955,000
Emergency Repairs	264,499	264,499	0
Small Repairs and Improvements	272,500	272,500	0
Capital Renewal/Preservation	306,000	306,000	306,000
Classroom Facility – Longhouse: Design/Construct	2,200,000	2,200,000	2,200,000
Campus Computer Network Phase II	390,000	390,000	390,000
<i>Agency Total</i>	6,136,999	6,136,999	5,600,000



## 1993-95 Capital Budget (ESSB 5717)

New Projects	Governor Gardner's Budget	Legislative Budget	Debt Limit Bonds
<b>JOINT CENTER FOR HIGHER EDUCATION</b>			
Riverpoint Campus: Design/Construct	17,440,496	17,000,000	17,000,000
<i>Agency Total</i>	17,440,496	17,000,000	17,000,000
<b>WESTERN WASHINGTON UNIVERSITY</b>			
Fire Detection Systems: Preservation	743,000	743,000	743,000
Underground Storage Tank: Removal	60,000	60,000	60,000
Pool Chlorine Gas System: Replace	35,000	35,000	0
Exterior Enevelope and Roofing: Preservation	601,000	601,000	601,000
Electrical: Preservation	2,380,000	900,000	0
Utility Upgrade: Preservation	405,000	405,000	405,000
Interior Renewal: Preservation	98,000	98,000	0
Flooring: Preservation	410,000	410,000	0
Interior Painting: Preservation	401,000	401,000	0
Science Facility Phase III: Construction	12,263,000	12,263,000	12,263,000
Haggard Hall Renovation/Abatement: Design	1,116,000	1,116,000	1,116,000
Minor Works: Program	7,000,000	6,100,000	0
<i>Agency Total</i>	25,512,000	23,132,000	15,188,000
<b>COMMUNITY COLLEGE SYSTEM</b>			
Tech Center Building – Whatcom: Acquisition	4,913,000	4,913,000	4,913,000
Physical Education Facility – North Seattle: Construct	9,190,000	8,352,200	8,352,200
Applied Arts Facility – Spokane Falls: Construct	5,191,000	5,191,000	5,191,000
Industrial Technology Facility – Spokane: Construct	6,625,000	6,625,000	6,625,000
Vocational Art Facility – Shoreline: Construct	2,886,000	2,886,000	2,886,000
Business Education Facility – Clark: Construct	5,953,000	5,953,000	5,953,000
Student Center – South Seattle: Construct	5,122,000	5,122,000	5,122,000
Library Addition – Skagit Valley: Construct	1,890,000	1,890,000	1,890,000
New College: Acquisition	1,000,000	(see OFM)	0
Small Repairs and Improvements: Preservation	9,484,271	37,000,000	37,000,000
Roof: Repair	9,286,000	0	0
Heating, Ventilation, Air Conditioning: Repair	8,720,000		
Mechanical: Repair	1,328,000	0	0
Electrical: Repair	1,837,000	0	0
Exteriors: Repair	2,984,000	0	0
Interiors: Repair	2,045,000	0	0
Site Improvements: Repair	1,806,000	0	0
Underground Storage Tanks: Removal	202,000	202,000	202,000

## 1993-95 Capital Budget (ESSB 5717)

New Projects	Governor Gardner's Budget	Legislative Budget	Debt Limit Bonds
Asbestos: Abatement	451,327	451,327	451,327
Seattle Vocational Institute: Facility Upgrade	4,083,000	7,583,000	7,583,000
Minor Projects: Program Enhancements	11,478,000	11,478,000	11,478,000
Minor Works Projects	629,000	629,000	629,000
Puyallup Campus Phase II – Pierce College: Design	969,920	969,920	969,920
Vocational Building – Skagit Valley: Design	169,044	169,044	169,044
LRC/Arts/Student Center – Whatcom: Design	560,636	560,636	560,636
Classroom/Laboratory Building – Edmonds: Design	808,636	808,636	808,636
Technical Ed. Facility – South Puget Sound: Design	606,067	606,067	606,067
Center for Information Tech – Green River: Design	1,335,729	1,335,729	1,335,729
Clover Park: Acquisition of Environmental Lands (Flett Dairy)	0	2,750,000	2,750,000
Eight Major Projects: Predesign	646,370	250,000	250,000
Infrastructure Projects From Savings	0	1	1
Acquisitions	2,800,000	509,000	509,000
<i>Agency Total</i>	105,000,000	106,234,560	106,234,560
<b>TOTAL HIGHER EDUCATION</b>	<b>588,926,178</b>	<b>585,830,243</b>	<b>498,711,244</b>
<b>PRELIMINARY STATEWIDE TOTAL</b>	<b>1,825,666,715</b>	<b>1,713,429,254</b>	<b>935,562,564</b>
<b>REAPPROPRIATION DELETIONS</b>			
DOC Dayton Correctional Camp	0	(10,800,000)	(10,800,000)
Ecology Referendum 38 (Drinking Water)	0	(12,311,513)	(12,311,513)
Ecology Referendums 26 & 39 (Water Quality)	0	(7,500,000)	(7,500,000)
OFM Branch Campuses	0	(2,409,000)	(2,409,000)
<i>Total</i>	0	(33,020,513)	(33,020,513)
<b>STATEWIDE TOTAL</b>	<b>1,825,666,715</b>	<b>1,680,406,741</b>	<b>902,542,051</b>
State G.O. Bonds	848,172,267	902,542,051	
GF-S backed Reimbursable Bonds	189,423,000	0	
Other Bonds	22,000,000	21,500,000	
Cash Accounts	766,071,448	756,366,690	
<i>Total</i>	<b>1,825,666,715</b>	<b>1,680,408,741</b>	

## 1993-95 Transportation Budget (2ESSB 5972)

### 1993-95 Transportation Budget (2ESSB 5972)

#### Agency Summary

(Dollars in Thousands)

Agency	1993-95 Appropriations	1991-93 Est. Exp.	Percent Change
Department of Transportation	\$2,648,277	\$2,159,934	22.6%
State Patrol	227,416	228,080	-0.3%
Transportation Improvement Board	211,822	95,340	122.2%
Department of Licensing	133,980	128,828	4.0%
County Road Administration Board	87,924	62,527	40.6%
Traffic Safety Commission	3,357	7,858	-57.3%
Legislative Transportation Committee	2,644	3,926	-32.7%
Transportation Commission	1,637	1,552	5.5%
Air Transportation Commission	534	920	-42.0%
Department of Agriculture	418	410	2.0%
LEAP Committee	410	390	5.1%
Marine Employees Commission	373	343	8.7%
Board of Pilotage Commissioners	218	189	15.3%
Energy Office	0	958	-100.0%
<b>Total Transportation:</b>	<b>\$3,319,010</b>	<b>\$2,691,255</b>	<b>23.3%</b>

### Major Increases to Transportation Budget – 1991-93 to 1993-95

Increase	Program
\$140 M	Special Cat "C" – based on bonds – dedicated fund source
\$116 M	TIB construction – \$66 million carry forward from 1991-93 and \$50 million bonds – dedicated fund source
\$113 M	Marine jumbo ferry construction – from bonds – dedicated funds
\$ 55 M	Local Programs – Capital – Federal Funds (ISTEA)
\$ 50 M	Federal Demonstration Projects – bonds/federal revenue – federal dollars – dedicated
\$ 50 M	Blair Waterway – Puyallup Tribe settlement – dedicated funds
\$ 35 M	Amtrak – additional funding – not dedicated
\$ 25 M	DOT – dedicated transit accounts – grant program
\$ 25 M	CRAB – carry forward from 1991-93
\$ 17 M	Transportation funds appropriated for activities previously funded by General Fund
\$ 2 M	Miscellaneous
<b>\$628 M</b>	<b>Total Increase</b>

## BUDGET HIGHLIGHTS

### I. Department of Transportation

#### PROGRAM A – Non-Interstate Preservation

<b>Total Appropriation</b>	<b>\$275.8 M</b>
Basic program	234.6 M
One-time enhancement to basic program	33.4 M
Stormwater (inventory of drainage facilities; testing & monitoring for contaminants; development of priority system)	0.6 M
Fish barrier removal	1.3 M
Scenic highways	5.7 M
Additional permitting staff	0.2 M

#### PROGRAM B – Interstate Highway Construction/Preservation

<b>Total Appropriation</b>	<b>\$535.2 M</b>
Basic program	296.0 M
HOV lanes	197.0 M
Advance additional HOV lanes	30.0 M
Federal demo projects	7.1 M
Miscellaneous	5.1 M

#### PROGRAM C – Non-Interstate Highway Capacity Improvements

<b>Total Appropriation</b>	<b>\$431.1 M</b>
Basic program (including \$10M HOV lanes and \$12.5M PE/ROW)	125.0 M
Additional HOV projects	21.0 M
Special Category C	166.0 M
Federal demo projects	55.0 M
Puyallup tribal settlement	50.0 M
Intelligent vehicle highway systems (IVHS)	10.0 M
Rest areas	2.0 M
Miscellaneous	2.1 M

#### PROGRAM D – Plant Construction & Supervision

<b>Total Appropriation</b>	<b>\$19.3 M</b>
Basic program	14.7 M
New building code compliance	3.0 M
Storage facilities (hazardous materials)	0.3 M
Construction of 3 maintenance facilities (reapprop)	1.3 M

#### PROGRAM D – Highway Management & Facilities

<b>Total Appropriation</b>	<b>\$52.6 M</b>
Basic program	48.0 M
ADA building access	0.8 M
Commute trip reduction	0.5 M
Information systems development projects	0.8 M
Environmental site cleanup	2.5 M

## 1993-95 Transportation Budget (2ESSB 5972)

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### PROGRAM F – Aeronautics

**Total Appropriation** \$3.9 M

### PROGRAM G – Community Economic Revitalization

**Total Appropriation** \$ 5.0 M

### PROGRAM H – Non-Interstate Bridges

**Total Appropriation** \$117.0 M

Basic program 112.0 M

Enhanced maintenance/rehab/for moveable bridges 5.0 M

### PROGRAM M – Maintenance

**Total Appropriation** \$243.4 M

Basic program 239.0 M

IVHS 0.6 M

Signs/markings/stripping 0.5 M

Traffic signal improvements 2.4 M

Vegetation management plan 0.3 M

Repair rest area septic systems 0.7 M

### PROGRAM R – Reimbursable Work

**Total Appropriation** \$65.2 M

### PROGRAM S – Transportation Management

**Total Appropriation** \$54.6 M

Basic program 51.7 M

Information systems development projects 2.0 M

Affirmative action (adds 3 FTEs to Office of Equal Opportunity) 0.3 M

Public/private partnership (HB 1006) 0.5 M

High school engineering outreach 0.1 M

### PROGRAM T – Transit, Research & Intermodal Planning

**Total Appropriation** \$128.9 M

Basic program 55.3 M

Amtrak Program 40.2 M

Dedicated HCT & transit system accounts (includes \$15.3 M in basic program) 44.1 M

Rural mobility grants to transit 1.5 M

Freight rail programs (dedicated GF accounts) 2.1 M

Urban Mobility Office (adds 3 FTEs) 0.4 M

Puget Sound Transportation Investment Program 0.2 M

Video imaging 0.3 M

### PROGRAM U – Charges from Other Agencies

**Total Appropriation** \$ 32.1 M

## 1993-95 Transportation Budget (2ESSB 5972)

### PROGRAM W – Marine Capital

<b>Total Appropriation</b>	<b>\$268.9 M</b>
Basic program	155.3 M
New jumbo vessel construction (bonds)	112.6 M
Park & ride for Kingston/Seattle passenger-only service	1.0 M

### PROGRAM X – Marine Operating

<b>Total Appropriation</b>	<b>\$237.6 M</b>
Basic program	223.0 M
Additional hours of service & terminal costs	11.7 M
Information systems project (payroll project)	0.5 M
Oil spill prevention	0.5 M
Office rent and agent contracts	0.3 M
Fuel inflation	0.4 M
Increased police support	0.7 M
Miscellaneous staff	0.5 M

### PROGRAM Z – Local Programs (Capital)

<b>Total Appropriation</b>	<b>\$166.3 M</b>
Basic program	159.4 M
Federal demonstration projects	7.3 M
Everett Homeport reapprop	1.2 M
Federal fund transfer to Pgm Z-Operating	(1.7 M)

### PROGRAM Z – Local Programs (Operating)

<b>Total Appropriation</b>	<b>\$ 11.3 M</b>
Basic program	8.0 M
ISTEA requirements	1.2 M
Bridge inspection program	0.4 M
Federal fund transfer from Pgm Z-Capital	1.7 M

## II. Washington State Patrol

### Field Operations Bureau

<b>Total Appropriation</b>	<b>\$147.6 M</b>
Basic program	150.0 M
Downsizing HQ & district operations	(2.7 M)
Increase vehicle mileage to 100,000	(0.8 M)
Cadet Academy overtime lawsuit	1.1 M

### Investigative Services Bureau

<b>*Total Appropriation</b>	<b>\$ 5.8 M</b>
*20% of Crime Lab	1.6 M
*Access system	2.8 M
*Identification activities	1.4 M
(* Remainder funded in General Fund budget)	

## 1993-95 Transportation Budget (2ESSB 5972)

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### Support Services Bureau

<b>Total Appropriation</b>	<b>\$62.0 M</b>
Basic program	59.8 M
Mobile computer network – Phase I	1.1 M
Human resources assistant	.1 M
Downsizing HQ & district operations	(0.2 M)
Miscellaneous	1.2 M

### Capital Program

<b>Total Appropriation</b>	<b>\$ 12.0 M</b>
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## III. Department of Licensing

### Management & Support Services

<b>Total Appropriation</b>	<b>\$10.5 M</b>
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### Information Services

<b>Total Appropriation</b>	<b>\$15.5 M</b>
Basic program	5.2 M
Licensing Application Migration Project (LAMP)	10.0 M
Agency local area network	0.3 M

### Vehicle Services

<b>Total Appropriation</b>	<b>\$50.3 M</b>
Basic program	49.8 M
Downsizing	(0.3 M)
Miscellaneous	0.8 M

### Driver Services

<b>Total Appropriation</b>	<b>\$57.6 M</b>
Basic program	54.2 M
Restructure division	3.3 M
Motorcycle Safety Program	.4 M
Downsizing	(0.2 M)
Miscellaneous	(0.1 M)

### Capital Program

<b>Total Appropriation</b>	<b>\$0.1 M</b>
Vancouver, Spokane & Longview	0.1 M

## IV. Other Agencies

### Air Transportation Commission

<b>Total Appropriation</b>	<b>\$0.53 M</b>
(Assumes early (1994) close out of program)	



## 1993-95 Transportation Budget (2ESSB 5972)

<b>Traffic Safety Commission</b>	
<b>Total Appropriation</b>	<b>\$3.4 M</b>
Basic program (one-year funding)	2.8 M
DWI Task Forces	0.6 M
<b>Transportation Improvement Board</b>	
<b>Total Appropriation</b>	<b>\$211.8 M</b>
Basic program	161.5 M
New bond authorization	50.0 M
Road jurisdiction, city hardship staff	0.3 M
<b>County Road Administration Board</b>	
<b>Total Appropriation</b>	<b>\$ 87.9 M</b>
Basic program	87.7 M
Accounting, computer support staff	0.2 M
<b>Legislative Transportation Committee</b>	
<b>Total Appropriation</b>	<b>\$2.6 M</b>
<b>LEAP Committee</b>	
<b>Total Appropriation</b>	<b>\$0.4 M</b>
<b>Board of Pilotage Commissioners</b>	
<b>Total Appropriation</b>	<b>\$0.2 M</b>
<b>Marine Employees Commission</b>	
<b>Total Appropriation</b>	<b>\$0.4 M</b>
<b>Transportation Commission</b>	
<b>Total Appropriation</b>	<b>\$1.6 M</b>
<b>Department of Agriculture</b>	
<b>Total Appropriation</b>	<b>\$0.4 M</b>

### V. Other (non-appropriation) Issues

Modifies RTA enabling legislation

Corrects 1993 double amendment to RCW 46.16.070

Modifies statutory allowable uses of Transportation Fund moneys to include certain WSP activities

Deposits WSP ACCESS-System user fees in Transportation Fund and Motor Vehicle Fund

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Children were loved, protected and nurtured by their elders. At an early age they were taught the ways of the tribe through songs, tales and example. They were trained to honor their elders and encouraged to have pride in themselves.

As children grew older, they were expected to participate in the chores necessary to sustain the tribe. They began by gathering wood, picking berries and hunting small game. As the child grew, so did the responsibilities.

In the photo above, young girls pick huckleberries near Yakima (photo courtesy of Washington State Library). To the right, a small Makah baby is rocked in a sling as the mother weaves a basket near Neah Bay (photo by Samuel Morsee, courtesy of Washington State Library).



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C 122 L 93	Workers' compensation claims . . . . .	ESSB 5515
C 123 L 93	Truck taxation . . . . .	SSB 5535
C 124 L 93	Manufactured housing . . . . .	ESB 5580
C 125 L 93	Documentary materials use . . . . .	SB 5597
C 126 L 93	State highway system streets . . . . .	SSB 5744
C 127 L 93	Malicious harassment . . . . .	ESHB 1569
C 128 L 93	Health care facility access . . . . .	ESHB 1338
C 129 L 93	Children's day . . . . .	SSB 5479
C 130 L 93	Solid waste collection tax . . . . .	2SSB 5288
C 131 L 93	Chemical dependency . . . . .	SB 5455
C 132 L 93	Life insurance group coverage . . . . .	HB 1041
C 133 L 93	Physical therapist licenses . . . . .	SHB 1532
C 134 L 93	Operation new market . . . . .	SHB 1678
C 135 L 93	Over-the-counter medications . . . . .	EHB 1415
C 136 L 93	Supplemental capital budget . . . . .	ESHB 1435
C 137 L 93	Involuntary commitment/detention . . . . .	SHB 1003
C 138 L 93	Workers' compensation . . . . .	SHB 1454
C 139 L 93	Public corporation funds use . . . . .	SHB 1555

## Session Law To Bill Number Table

C 140 L 93	Indeterminate sentencing . . . . .	SB 5060
C 141 L 93	Fuel tax exemption . . . . .	HB 1477
C 142 L 93	Defunct boards and commissions . . . . .	HB 1618
C 143 L 93	Check cashers and sellers . . . . .	HB 1865
C 144 L 93	Battered women/murder sentences . . . . .	SHB 1343
C 145 L 93	Check cashing/higher education institution . . . . .	HB 2069
C 146 L 93	Juvenile sex offenders . . . . .	SB 5494
C 147 L 93	Blind, deaf, sensory impaired . . . . .	SSB 5556
C 148 L 93	Driver's instruction permit . . . . .	ESB 5694
C 149 L 93	School district health services . . . . .	SSB 5727
C 150 L 93	Aircraft noise abatement . . . . .	SHB 1915
C 151 L 93	Nonprofit homes for aging/tax . . . . .	HB 2073
C 152 L 93	Live-in care/mobile home parks . . . . .	SHB 1028
C 153 L 93	Pedestrian crosswalks . . . . .	HB 1111
C 154 L 93	Mobile/manufactured homes . . . . .	SHB 1057
C 155 L 93	State patrol promotion tests . . . . .	HB 1263
C 156 L 93	Parks volunteer organizations . . . . .	HB 1317
C 157 L 93	Legislative auditor/attorney general . . . . .	HB 1407
C 158 L 93	Self-insurers/hospital definitions . . . . .	HB 1351
C 159 L 93	Workers' compensation medical aid . . . . .	SHB 1352
C 160 L 93	Washington wine commission . . . . .	SHB 1063
C 161 L 93	Distribution of estate income . . . . .	HB 1076
C 162 L 93	Marine safety field operations . . . . .	SHB 1144
C 163 L 93	Youth shows and fairs . . . . .	HB 1212
C 164 L 93	Work crews for offenders . . . . .	SHB 1389
C 165 L 93	Counselor registration . . . . .	HB 1150
C 166 L 93	Poultry products processing . . . . .	HB 1227
C 167 L 93	Unemployment compensation . . . . .	HB 1292
C 168 L 93	Asbestos disease benefits . . . . .	EHB 1353
C 169 L 93	State publications sale/distribution . . . . .	SHB 1926
C 170 L 93	Horse racing purses . . . . .	EHB 1845
C 171 L 93	Juvenile court diversion services . . . . .	HB 1535
C 172 L 93	Transportation improvement board . . . . .	SSB 5612
C 173 L 93	Single parent/higher education . . . . .	SHB 1587
C 174 L 93	Municipal street railways . . . . .	HB 1637
C 175 L 93	Vehicle dealers' buyer's agent . . . . .	SHB 1893
C 176 L 93	Check sellers bond . . . . .	HB 1142
C 177 L 93	Longshore and harbor workers . . . . .	SHB 1543
C 178 L 93	Property tax exemptions . . . . .	HB 1530
C 179 L 93	Child abuse and neglect . . . . .	HB 1991
C 180 L 93	Accelerant detection dogs . . . . .	HB 1864
C 181 L 93	Foreign branch campuses . . . . .	SHB 1497
C 182 L 93	Water trail recreation program . . . . .	SHB 1518
C 183 L 93	Fertilizer regulation . . . . .	ESHB 1622
C 184 L 93	Vessel operation provisions . . . . .	HB 1815
C 185 L 93	Historic preservation council . . . . .	HB 1923
C 186 L 93	Medical malpractice insurance . . . . .	HB 1832

## Session Law To Bill Number Table

C 187 L 93	Controlled substances . . . . .	SSB 5520
C 188 L 93	Community college post-tenure review . . . . .	SSB 5878
C 189 L 93	Sheriff's office employees . . . . .	SHB 1156
C 190 L 93	Debt collection fees . . . . .	HB 1225
C 191 L 93	Salespeople/compensation . . . . .	HB 1328
C 192 L 93	Electricians/ continuing education . . . . .	HB 1757
C 193 L 93	Boiler regulation exemptions . . . . .	HB 1773
C 194 L 93	State employee child care . . . . .	SHB 1778
C 195 L 93	Minority/women's business . . . . .	HB 1800
C 196 L 93	Forest fire fighting duties . . . . .	SSB 5025
C 197 L 93	Public restroom facilities . . . . .	SSB 5035
C 198 L 93	Municipal bidding practices . . . . .	SSB 5048
C 199 L 93	City/town council meetings . . . . .	SSB 5052
C 200 L 93	Homestead exemption . . . . .	SSB 5068
C 201 L 93	Razor clam digging permits . . . . .	SB 5079
C 202 L 93	Administrative rules development . . . . .	SSB 5088
C 203 L 93	Bungee jumping . . . . .	SSB 5145
C 204 L 93	Tree planting/energy conservation . . . . .	SSB 5159
C 205 L 93	Free hospitals/taxation . . . . .	SB 5290
C 206 L 93	Emergency scene inspections . . . . .	ESB 5768
C 207 L 93	Child support . . . . .	SB 5791
C 208 L 93 PV	Aeronautics regulation . . . . .	SSB 5337
C 209 L 93	Arrest without warrant . . . . .	SB 5107
C 210 L 93	Background checks . . . . .	SSB 5261
C 211 L 93	Educational clinics . . . . .	SB 5349
C 212 L 93	Milk and milk products . . . . .	ESSB 5379
C 213 L 93	Handicapped rehabilitation . . . . .	SB 5441
C 214 L 93	Sex offenses/statute of limitations . . . . .	SB 5541
C 215 L 93	Fishing licenses . . . . .	SB 5578
C 216 L 93	Auditing state agency funds . . . . .	SSB 5606
C 217 L 93	Teachers recruiting teachers . . . . .	ESSB 5615
C 218 L 93	GED tests . . . . .	SB 5695
C 219 L 93	State agency mail service . . . . .	SSB 5839
C 220 L 93	Public authority property/tax . . . . .	SB 5835
C 221 L 93	Dairy animal feeding operations . . . . .	SSB 5849
C 222 L 93	Running start program . . . . .	SB 5883
C 223 L 93	Community/technical colleges . . . . .	SB 5903
C 224 L 93	Rail freight service . . . . .	ESB 5917
C 225 L 93	Controlled substances use . . . . .	SSB 5922
C 226 L 93	Employment and training services . . . . .	ESHB 1988
C 227 L 93	Student alcohol abuse . . . . .	SHB 1082
C 228 L 93	Anatomical gift act . . . . .	SHB 1012
C 229 L 93	Uniform commercial code . . . . .	SHB 1014
C 230 L 93	Leases/uniform commercial code . . . . .	HB 1015
C 231 L 93	Fire protection district bonds . . . . .	HB 1024
C 232 L 93	Prisoner actions/limitations . . . . .	HB 1025
C 233 L 93	Public defender services . . . . .	SHB 1026

PV: Partial Veto; E1: First Special Session

## Session Law To Bill Number Table

C 234 L 93	Public hospital chaplains . . . . .	HB 1058
C 235 L 93	Irrigation district mergers . . . . .	SHB 1061
C 236 L 93	Nonprobate assets/revocation . . . . .	SHB 1077
C 237 L 93	Child abuse and neglect . . . . .	EHB 1115
C 238 L 93	Vehicle tax/license fee . . . . .	ESHB 1127
C 239 L 93	Blood/breath alcohol testing . . . . .	SHB 1128
C 240 L 93	Metropolitan municipal corporations . . . . .	ESHB 1140
C 241 L 93	Guardians ad litem . . . . .	HB 1165
C 242 L 93	Personal injury insurance . . . . .	ESHB 1233
C 243 L 93	Forfeited firearms destruction . . . . .	ESHB 1259
C 244 L 93	Boating safety . . . . .	SHB 1318
C 245 L 93	Conservation tariff payments . . . . .	ESHB 1326
C 246 L 93	Vehicle axle restrictions . . . . .	HB 1344
C 247 L 93	Metropolitan park districts—debt limit . . . . .	HB 1355
C 248 L 93	Metropolitan park districts . . . . .	HB 1411
C 249 L 93	Telephone assistance program . . . . .	SHB 1428
C 250 L 93	Higher education state support . . . . .	EHB 1501
C 251 L 93	Emergency response restitution . . . . .	SHB 1051
C 252 L 93	Air quality operating permit . . . . .	ESHB 1089
C 253 L 93	Prescription insurance claims . . . . .	SHB 1508
C 254 L 93	EMT training . . . . .	ESHB 1541
C 255 L 93	Child care programs . . . . .	HB 1559
C 256 L 93	Initiatives and referenda . . . . .	HB 1645
C 257 L 93	Forest practices board members . . . . .	HB 1751
C 258 L 93	Recreational trails . . . . .	HB 1769
C 259 L 93	Marriage/family therapists . . . . .	SHB 1802
C 260 L 93	Bail bond agents . . . . .	SHB 1870
C 261 L 93	Hispanic affairs commission . . . . .	SHB 1948
C 262 L 93	Fire protection districts . . . . .	HB 1911
C 263 L 93	National guard counter-drugs . . . . .	SB 5875
C 264 L 93	HIV/AIDS insurance program . . . . .	HB 2130
C 265 L 93	Urban land/land bank exchange . . . . .	SB 5309
C 266 L 93	Public land trespass/waste . . . . .	SSB 5310
C 267 L 93	Underwater parks system . . . . .	SSB 5332
C 268 L 93	Alcohol used as fuel tax credit . . . . .	ESB 5342
C 269 L 93	Secretary of state/fees . . . . .	SSB 5492
C 270 L 93	Retirement agreements . . . . .	SB 5352
C 271 L 93	Injured workers/return to work . . . . .	SSB 5503
C 272 L 93	DSHS revenue collection . . . . .	SB 5723
C 273 L 93	Government financing . . . . .	SSB 5837
C 274 L 93	Child passenger restraints . . . . .	ESB 5879
C 275 L 93	Electrical inspection standards . . . . .	SB 5906
C 276 L 93	Intermediate care facilities . . . . .	SSB 5957
C 277 L 93	Administrative procedures . . . . .	SHB 1686
C 278 L 93	Professional athletic commission . . . . .	HB 2119
C 279 L 93	Interagency disputes . . . . .	SSB 5634
C 280 L 93	Economic/community development office . . . . .	ESSB 5868

## Session Law To Bill Number Table

C 281 L 93	Public employment . . . . .	ESHB 2054
C 282 L 83	Salmon food fish labeling . . . . .	ESB 5260
C 283 L 93	Seaweed harvesting . . . . .	SSB 5056
C 284 L 93	Rural library districts . . . . .	SSB 5751
C 285 L 93	Jail industries program . . . . .	EHB 1033
C 286 L 93	Solid waste/out of state . . . . .	SHB 1047
C 287 L 93	Death securities transfer . . . . .	HB 1068
C 288 L 93	Seizure of property . . . . .	SHB 1069
C 289 L 93	Guardians ad litem . . . . .	SHB 1072
C 290 L 93	Corporations regulation . . . . .	HB 1074
C 291 L 93	Interests passing at death. . . . .	HB 1078
C 292 L 93	Littering penalties . . . . .	ESHB 1086
C 293 L 93	Explosives/criminal use . . . . .	SHB 1118
C 294 L 93	Emancipation of minors . . . . .	ESHB 1157
C 295 L 93	Leasing beds of tidal waters . . . . .	HB 1168
C 296 L 93	Marine finfish rearing facilities. . . . .	SHB 1169
C 297 L 93	Disposition of own remains . . . . .	SHB 1195
C 298 L 93	Education service district boards. . . . .	SHB 1211
C 299 L 93	Temporarily disabled workers. . . . .	HB 1246
C 300 L 93	Solid waste collection tariff. . . . .	SHB 1260
C 301 L 93	Vehicle length limits . . . . .	EHB 1271
C 302 L 93	Washington service corps . . . . .	ESHB 1307
C 303 L 93	City council/police reserve . . . . .	SHB 1316
C 304 L 93	Local government/state purchasing. . . . .	SHB 1325
C 305 L 93	Public water system requirements. . . . .	SHB 1356
C 306 L 93	Public water system operators. . . . .	SHB 1357
C 307 L 93	Motor vehicle programs . . . . .	HB 1379
C 308 L 93	School employment contracts . . . . .	HB 1384
C 309 L 93	Minimum wage. . . . .	ESHB 1393
C 310 L 93	Tax foreclosed property . . . . .	HB 1401
C 311 L 93	Mandatory local measured service . . . . .	ESHB 1461
C 312 L 93 PV	Public assistance/income limitation . . . . .	ESHB 1197
C 313 L 93	Hearing aid regulation. . . . .	ESHB 1500
C 314 L 93	Abandoned vehicles . . . . .	SHB 1507
C 315 L 93	Auditor municipal corporation division . . . . .	HB 1521
C 316 L 93	Timber programs reauthorized . . . . .	ESHB 1529
C 317 L 93	New municipal courts prohibited . . . . .	SHB 1545
C 318 L 93	Interstate family support . . . . .	SHB 1560
C 319 L 93	Public employee retirement system. . . . .	SHB 1595
C 320 L 93	Community economic revitalization board . . . . .	ESHB 1662
C 321 L 93	On-site sewage disposal system . . . . .	SHB 1667
C 322 L 93	Public safety directors. . . . .	ESHB 1758
C 323 L 93	Dental hygienist licensing. . . . .	SHB 1801
C 324 L 93	Automated teller machine security . . . . .	ESHB 1849
C 325 L 93	State facilities inventory . . . . .	SHB 1910
C 326 L 93	Model toxic control act. . . . .	SSB 5404
C 327 L 93	Nonprofit organization property use . . . . .	SSB 5134

PV: Partial Veto; E1: First Special Session



## Session Law To Bill Number Table

C 328 L 93	Blood/breath alcohol analysis . . . . .	SB 5245
C 329 L 93	Water pollution control fund . . . . .	SB 5387
C 330 L 93	District court judges . . . . .	SB 5523
C 331 L 93	Emergency medical service volunteers . . . . .	SSB 5567
C 332 L 93	Legislative systems committee . . . . .	SB 5851
C 333 L 93	School breakfast/lunch program . . . . .	SSB 5971
C 334 L 93	Student learning commission . . . . .	EHB 1708
C 335 L 93	School-to-work transition . . . . .	ESHB 1820
C 336 L 93	Education reform . . . . .	ESHB 1209
C 337 L 93	Property tax limitations . . . . .	ESHB 1562
C 338 L 93 PV	Work ethic boot camp program . . . . .	ESHB 1922
C 339 L 93	Limiting powers of trustees . . . . .	SSB 5066
C 340 L 93	Commercial fishing licenses . . . . .	SB 5124
C 341 L 93	Attorneys' fees . . . . .	ESSB 5157
C 342 L 93	Cashing government checks . . . . .	SSB 5176
C 343 L 93	Poison information services . . . . .	2SSB 5239
C 344 L 93	Gambling commission powers . . . . .	SB 5241
C 345 L 93	Milk marketing . . . . .	SSB 5263
C 346 L 93	Contractor certification . . . . .	ESB 5280
C 347 L 93 PV	Firearms on school premises . . . . .	ESSB 5307
C 348 L 93	Property sold at auction . . . . .	SB 5330
C 349 L 93	School service contract employees . . . . .	SSB 5357
C 350 L 93	Domestic violence reporting . . . . .	SSB 5360
C 351 L 93	WSP collective bargaining . . . . .	SSB 5380
C 352 L 93	Scientific literacy study . . . . .	SSB 5402
C 353 L 93	Agricultural burning permits . . . . .	SSB 5407
C 354 L 93	Livestock regulations . . . . .	SSB 5443
C 355 L 93	Jail cost payments . . . . .	ESSB 5452
C 356 L 93 PV	Nonprofit corporations . . . . .	SSB 5471
C 357 L 93	Prior lien laws . . . . .	SB 5484
C 358 L 93	Child dependency/support . . . . .	ESB 5508
C 359 L 93	Private carrier terminal safety . . . . .	ESB 5534
C 360 L 93	Health profession discipline . . . . .	SB 5635
C 361 L 93	Storm water facilities bonds . . . . .	SB 5675
C 362 L 93	Chemical dependent/involuntary commitment . . . . .	SB 5759
C 363 L 93	Higher ed/state relationship . . . . .	2SSB 5836
C 364 L 93	Energy siting process review . . . . .	SB 5838
C 365 L 93	At-risk children/volunteers . . . . .	ESSB 5844
C 366 L 93	Economic development . . . . .	ESSB 5911
C 367 L 93	Health professionals discipline . . . . .	ESSB 5948
C 368 L 93	Initiative/referendum verification . . . . .	SB 5977
C 369 L 93	Business enterprises account . . . . .	SB 5984
C 370 L 93	Public-private initiatives . . . . .	SHB 1006
C 371 L 93	American Indian language/culture-common schools . . . . .	EHB 1175
C 372 L 93	American Indian scholarship fund . . . . .	HB 2048
C 373 L 93	Juvenile issues task force . . . . .	ESHB 1198
C 374 L 93	Juvenile records access . . . . .	EHB 1228

PV: Partial Veto; E1: First Special Session

## Session Law To Bill Number Table

C 375 L 93	Medical exams/work time loss .....	HB 1244
C 376 L 93 PV	Pink shrimp endorsements .....	SHB 1350
C 377 L 93	Election recounts .....	SHB 1367
C 378 L 93	Public works subcontracting .....	SHB 1370
C 379 L 93 PV	Higher education administration .....	ESHB 1509
C 380 L 93	Skill centers .....	SHB 1520
C 381 L 93	High-speed ground transportation .....	EHB 1617
C 382 L 93	International education and culture .....	SHB 1619
C 383 L 93	Voter registration period .....	HB 1648
C 384 L 93	Vehicle window tinting .....	HB 1713
C 385 L 93	Higher ed financial aid .....	EHB 1748
C 386 L 93	Retired/disabled school employees .....	SHB 1784
C 387 L 93	Well contractors/operators .....	ESHB 1806
C 388 L 93	Medicare supplement insurance .....	HB 1838
C 389 L 93	Pasco hotel/motel tax .....	ESHB 1862
C 390 L 93 PV	Nonprofit organizations/B&O tax .....	HB 1884
C 391 L 93	Power boilers inspection .....	SHB 1886
C 392 L 93	Household movers .....	SHB 1907
C 393 L 93	Multimodal transport funding .....	SHB 2036
C 394 L 93	Commute trip reduction program .....	ESHB 2067
C 395 L 93	Bulk sales/uniform commercial code .....	SHB 1013
C 396 L 93	Weapons in court facilities .....	ESHB 1059
C 397 L 93	Collective bargaining .....	EHB 1067
C 398 L 93	Collect bargaining/public employees .....	EHB 1081
C 399 L 93	Waste containment .....	SHB 1100
C 400 L 93	Model traffic ordinance .....	SHB 1103
C 401 L 93	Bus right of way .....	EHB 1107
C 402 L 93	Sexually aggressive youth .....	EHB 1110
C 403 L 93	Commercial vehicle inspections .....	SHB 1129
C 404 L 93	Public works administration account .....	SHB 1219
C 405 L 93	Loan companies/insurance limits .....	SHB 1226
C 406 L 93	Accountability task force .....	ESHB 1372
C 407 L 93	Teen pregnancy prevention .....	ESHB 1408
C 408 L 93	Jury source lists .....	ESHB 1084
C 409 L 93	Medical cost reimbursement .....	SHB 1469
C 410 L 93	Local effort assistance funds .....	HB 1495
C 411 L 93	Normal school fund revenues .....	SHB 1504
C 412 L 93	Dependent children .....	ESHB 1512
C 413 L 93	Estate tax findings filings .....	SHB 1566
C 414 L 93	Graduation/degree strategies .....	SHB 1580
C 415 L 93	Juvenile justice racial disproportionality .....	ESHB 1966
C 416 L 93	ESD regional committee elections .....	SHB 1602
C 417 L 93	Voting by mail .....	HB 1644
C 418 L 93	Absentee voter status .....	HB 1646
C 419 L 93	Alien offenders/deportation .....	SHB 1727
C 420 L 93	Court of appeals .....	ESHB 1734
C 421 L 93	Military dependent community .....	ESHB 1818

PV: Partial Veto; EJ: First Special Session

## Session Law To Bill Number Table

C 422 L 93	Fetal alcohol syndrome . . . . .	ESHB 2026
C 423 L 93	Teachers/health professionals education . . . . .	HB 1993
C 424 L 93	Automotive repair . . . . .	SHB 1766
C 425 L 93	Telephone relay service . . . . .	SHB 1752
C 426 L 93	Child support/spousal maintenance . . . . .	ESHB 1760
C 427 L 93	Steamboat operators . . . . .	SHB 1931
C 428 L 93	Transit agencies voter approval . . . . .	HB 2001
C 429 L 93	Parking/business improvement . . . . .	EHB 2009
C 430 L 93	Roads and highways jurisdiction . . . . .	SHB 2023
C 431 L 93	Highway bonds . . . . .	SB 5343
C 432 L 93	Highway bonds . . . . .	SB 5371
C 433 L 93	Personal service contracts . . . . .	SB 5375
C 434 L 93	Mail voter registration . . . . .	2SSB 5511
C 435 L 93	Court fees . . . . .	SSB 5528
C 436 L 93	Growth management/valuation . . . . .	SB 5638
C 437 L 93	Natural resources conservation areas . . . . .	ESB 5720
C 438 L 93	State real property disposal . . . . .	SB 5856
C 439 L 93	Local government construction project . . . . .	SSB 5858
C 440 L 93	Transportation improvement board bonds . . . . .	SSB 5969
C 441 L 93	Voter registration tapes . . . . .	SB 5973
C 442 L 93	Extradition agents . . . . .	SB 5975
C 443 L 93	Forest practices fees . . . . .	ESSB 5981
C 444 L 93	Nonresident sales tax exemption . . . . .	SB 5251
C 445 L 93	Vocational education . . . . .	SB 5828
C 446 L 93 PV	Transportation planning . . . . .	EHB 1007
C 447 L 93	Transportation demand management . . . . .	ESHB 1085
C 448 L 93	Health care record disclosure . . . . .	SHB 1214
C 449 L 93	Claims against local government . . . . .	HB 1218
C 450 L 93	Family leave . . . . .	HB 1346
C 451 L 93	Family services funding . . . . .	HB 1395
C 452 L 93	Identification requirements . . . . .	HB 1444
C 453 L 93	Child care . . . . .	HB 1490
C 454 L 93	Contractor registration . . . . .	ESHB 1505
C 455 L 93	Insurance agent-brokers . . . . .	SHB 1582
C 456 L 93	Going out of business sales . . . . .	SHB 1631
C 457 L 93	Law enforcement impersonation . . . . .	HB 1689
C 458 L 93	Health/welfare benefit trust . . . . .	SHB 1721
C 459 L 93	Corrections mental health centers . . . . .	SHB 1765
C 460 L 93	Trust management accounts . . . . .	HB 1809
C 461 L 93	Affordable housing . . . . .	EHB 1824
C 462 L 93	Insurance commissioner accreditation . . . . .	SHB 1855
C 463 L 93	Execution witnesses . . . . .	SHB 1912
C 464 L 93	Special districts territory . . . . .	HB 2008
C 465 L 93	School levies . . . . .	HB 2066
C 466 L 93	Juvenile offenders financial responsibility . . . . .	SHB 2070
C 467 L 93	Productivity awards programs . . . . .	SHB 1733
C 468 L 93	Mortgage brokers licensing . . . . .	SSB 5829

PV: Partial Veto; EI: First Special Session

## Session Law To Bill Number Table

C 469 L 93	Vessel safety promotion . . . . .	SSB 5179
C 470 L 93	Excessive securities transactions . . . . .	SSB 5195
C 471 L 93	Charitable solicitations . . . . .	2SSB 5237
C 472 L 93	Financial institutions dept . . . . .	SSB 5270
C 473 L 93	Public transportation labor arbitration . . . . .	SSB 5483
C 474 L 93	Private moorage facilities . . . . .	SSB 5316
C 475 L 93	Architects qualifications . . . . .	ESB 5545
C 476 L 93	Credit information use . . . . .	ESSB 5574
C 477 L 93	Sex offenders . . . . .	SB 5577
C 478 L 93	Housing policy act . . . . .	SB 5584
C 479 L 93	Death penalty/mentally retarded . . . . .	SSB 5625
C 480 L 93	Support registry reporting . . . . .	SB 5649
C 481 L 93	Credit card late payment charges . . . . .	SSB 5686
C 482 L 93	Forest practices violations . . . . .	SSB 5688
C 483 L 93	Unemployment insurance . . . . .	ESSB 5702
C 484 L 93	Credit card transactions . . . . .	SSB 5704
C 485 L 93	PNWER-Net interlibrary services . . . . .	ESB 5745
C 486 L 93	Subdivisions/address designations . . . . .	SB 5799
C 487 L 93	Seizure and forfeiture . . . . .	ESSB 5815
C 488 L 93	Ride sharing and vanpools . . . . .	SSB 5876
C 489 L 93	Public hospital district annexation . . . . .	SSB 5913
C 490 L 93	State highway deficiencies . . . . .	SSB 5963
C 491 L 93	Motor vehicle excise tax . . . . .	ESB 5978
C 492 L 93 PV	Health care cost and access . . . . .	E2SSB 5304
C 493 L 93 PV	Jumbo ferries . . . . .	SHB 1635
C 494 L 93	Health care reform . . . . .	ESB 5076
C 495 L 93	Water rights fees . . . . .	ESHB 1236
C 496 L 93	Workers compensation third party recoveries . . . . .	EHB 1264
C 497 L 93 PV	Youth gang violence reduction . . . . .	ESHB 1333
C 498 L 93 PV	Unclaimed property act . . . . .	HB 1479
C 499 L 93	Employment agencies . . . . .	ESHB 1496
C 500 L 93 PV	Cash management system . . . . .	SHB 1528
C 501 L 93	Ignored traffic tickets . . . . .	SHB 1741
C 502 L 93 PV	LEOFF provisions . . . . .	ESHB 1744
C 503 L 93 PV	International trade council . . . . .	SHB 1808
C 504 L 93 PV	Offender health care system . . . . .	SHB 1817
C 505 L 93 PV	Children in substitute care . . . . .	HB 1858
C 506 L 93 PV	Retirement system contribution . . . . .	HB 2028
C 507 L 93	Access to tobacco . . . . .	ESHB 2071
C 508 L 93 PV	Long-term care options program . . . . .	SHB 2098
C 509 L 93	Luring of minor/incompetent . . . . .	ESSB 5186
C 510 L 93 PV	Discrimination . . . . .	SB 5474
C 511 L 93	Liquor sales in motels . . . . .	SB 5689
C 512 L 93 PV	Minority/women-owned business . . . . .	ESHB 1493
C 513 L 93	Minors under the influence . . . . .	SHB 1183
C 514 L 93	Hazing at higher education institutions . . . . .	SSB 5075
C 515 L 93 PV	Chiropractic care/workers compensation . . . . .	SSB 5736

PV: Partial Veto; E1: First Special Session

## Session Law To Bill Number Table

C 516 L 93	PV	Waterway/watershed restoration . . . . .	ESHB 1785
C 517 L 93		LEOFF plan II early retirement. . . . .	ESHB 1294
C 518 L 93	PV	Mining reclamation. . . . .	E2SSB 5502
C 519 L 93	PV	Retirement system benefits . . . . .	ESSB 5888
C 520 L 93		Industrial insurance partial disabilityES . . . . .	HB 1249
C 521 L 93		Industrial insurance death/disability . . . . .	ESHB 1248

### FIRST SPECIAL SESSION

C 1 L 93	E1	Supplemental budget. . . . .	2ESHB 1524
C 2 L 93	E1 PV	Fish and wildlife department. . . . .	ESHB 2055
C 3 L 93	E1	State veterans' homes . . . . .	ESSB 5966
C 4 L 93	E1	Wild salmonid protection . . . . .	2ESHB 1309
C 5 L 93	E1	Retail charge agreements . . . . .	ESHB 1458
C 6 L 93	E1	Growth management act dates . . . . .	ESHB 1761
C 7 L 93	E1	Washington serves program . . . . .	SHB 1969
C 8 L 93	E1	Treasury account earnings. . . . .	EHB 2114
C 9 L 93	E1	Graduate service/insurance . . . . .	EHB 2123
C 10 L 93	E1	Agency purchasing . . . . .	HB 2129
C 11 L 93	E1	Highway bonds . . . . .	SB 5370
C 12 L 93	E1	General obligation bonds . . . . .	2ESB 5719
C 13 L 93	E1 PV	Nursing home auditing/reimbursement . . . . .	ESSB 5724
C 14 L 93	E1	Cowlitz county judgeship . . . . .	SSB 5753
C 15 L 93	E1	Higher education access . . . . .	E2SSB 5781
C 16 L 93	E1 PV	Lodging tax. . . . .	ESB 5925
C 17 L 93	E1 PV	Fishing licenses. . . . .	ESSB 5980
C 18 L 93	E1	Higher education tuition . . . . .	2ESSB 5982
C 19 L 93	E1	Agriculture fees. . . . .	2ESB 5983
C 20 L 93	E1	Correctional industries . . . . .	ESB 5989
C 21 L 93	E1	Criminal justice programs . . . . .	2E2SSB 5521
C 22 L 93	E1 PV	1993-95 capital budget . . . . .	SSB 5717
C 23 L 93	E1 PV	Transportation budget . . . . .	2ESSB 5972
C 24 L 93	E1 PV	1993-95 operating budget . . . . .	SSB 5968
C 25 L 93	E1 PV	State revenues increase . . . . .	2ESSB 5967

## Gubernatorial Appointments Confirmed

### Executive Agencies

#### **Office of Administrative Hearings**

David R. La Rose, Chief Administrative Law Judge

#### **Department of Agriculture**

Dr. Peter J. Goldmark, Director

#### **Department of Corrections**

Chase Riveland, Secretary

#### **Department of Ecology**

Mary Riveland, Director

#### **Employment Security, Department of**

Vernon E. Stoner, Commissioner

#### **Office of Financial Management**

Ann E. Daley, Director

#### **Department of Fisheries**

Robert A. Turner, Director

#### **Department of General Administration**

John M. Franklin, Director

#### **Department of Health**

Bruce Miyahara, Secretary

#### **Washington Health Care Authority**

Margaret T. Stanley, Administrator

#### **Department of Information Services**

George A. Lindamood, Director

#### **Department of Labor and Industries**

Mark Brown, Director

#### **Department of Licensing**

Kathy Baros Friedt, Director

#### **Department of Retirement Systems**

Sheryl Wilson, Director

#### **Department of Social and Health Services**

Jean Soliz, Secretary

#### **Washington State Patrol**

Capt. Roger Bruett, Chief

#### **Department of Trade and Economic Development**

Mike Fitzgerald, Director

#### **Department of Veterans Affairs**

A.J. Bergeron, Director

### Higher Education

#### Four-Year Institutions

##### **University of Washington**

Jerome Farris, Member, Board of Regents

H. Jon Runstad, Member, Board of Regents

Samuel Stroum, Member, Board of Regents

##### **Central Washington University**

Ronald Dotzauer, Member, Board of Trustees

Rossalind Y. Woodhouse, Member, Board of Trustees

##### **Eastern Washington University**

Al Brisbois, Member, Board of Trustees

John V. Geraghty, Jr., Member, Board of Trustees

Julian Torres, Jr., Member, Board of Trustees

##### **Western Washington University**

Charlotte Chalker, Member, Board of Trustees

Wayne H. Ehlers, Member, Board of Trustees

Warren J. Gilbert, Member, Board of Trustees

##### **The Evergreen State College**

Lila Girvin, Member, Board of Trustees

Frederick T. Haley, Member, Board of Trustees

Christina Meserve, Member, Board of Trustees

#### **Higher Education Coordinating Board**

Richard R. Sonsteli, Chair

Ralph DiSibio, Member

Vickie McNeill, Member

Gay V. Selby, Member

David Tang, Member

Judith Wiseman, Member

#### **Spokane Joint Center for Higher Education**

Roberta J. Greene, Member

#### Community Colleges

##### **Bates Technical College District No. 28**

Carl R. Brown, Member, Board of Trustees

##### **Bellevue Community College District No. 8**

Sally Jarvis, Member, Board of Trustees

R.C. Strauss, Member, Board of Trustees

Dennis Uyemura, Member, Board of Trustees

##### **Bellingham Technical College District No. 25**

James H. Freeman, Member, Board of Trustees

F. Murray Haskell, Member, Board of Trustees

Mary Nichols, Member, Board of Trustees

Melanie Prinsen, Member, Board of Trustees

Art Runstrand, Member, Board of Trustees

## Gubernatorial Appointments Confirmed

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### **Big Bend Community College District No. 18**

Bonnie J. Polhamus, Member, Board of Trustees  
Patricia Schrom, Member, Board of Trustees

### **Centralia Community College District No. 12**

Jim Sherrill, Member, Board of Trustees  
Kathy Simonis, Member, Board of Trustees

### **Clark Community College District No. 14**

Holly Echo-Hawk Middleton, Member, Board of Trustees  
William G. Morris, Member, Board of Trustees

### **Clover Park Technical College District No. 29**

Arnold Wright, Member, Board of Trustees

### **Columbia Basin Community College District No. 19**

Frank Armijo, Member, Board of Trustees

### **Edmonds Community College District No. 23**

Victor S. Hirakawa, Member, Board of Trustees  
M.J. Hrdlicka, Member, Board of Trustees  
Charles D. Kee, Member, Board of Trustees  
Karen Miller, Member, Board of Trustees

### **Everett Community College District No. 5**

Donald J. Hale, Member, Board of Trustees

### **Grays Harbor Community College District No. 2**

Jack Dumey, Member, Board of Trustees  
Lynn Kessler, Member, Board of Trustees  
Ann H. Scroggs, Member, Board of Trustees

### **Highline Community College District No. 9**

John P. Kniskern, Member, Board of Trustees  
Thomas H. Nixon, Member, Board of Trustees

### **Lower Columbia Community College District No. 13**

Bruce L. Cardwell, Member, Board of Trustees  
Gary Healea, Member, Board of Trustees

### **Pierce Community College District No. 11**

Betty Hogan, Member, Board of Trustees

### **Renton Technical College District No. 27**

Donald Jacobson, Member, Board of Trustees  
A.M. Jorgenson, Member, Board of Trustees  
Rod Kawakami, Member, Board of Trustees  
Susan Ringwood, Member, Board of Trustees

### **Seattle Community College District No. 6**

Lowell E. Knutson, Member, Board of Trustees  
Cynthia K. Rekdal, Member, Board of Trustees  
Paul J. Wysocki, Member, Board of Trustees

### **Skagit Valley Community College District No. 4**

Mary A. Funk, Member, Board of Trustees  
Arlene Miller, Member, Board of Trustees  
Jose G. Ruiz, Member, Board of Trustees

### **South Puget Sound Community College District No. 24**

Julie Grant, Member, Board of Trustees  
Carolyn Keck, Member, Board of Trustees

### **Spokane Community College District No. 17**

James G. Walton, Member, Board of Trustees

### **Tacoma Community College District No. 22**

John Lantz, Member, Board of Trustees  
John M. Nettleton, Member, Board of Trustees

### **Walla Walla Community College District No. 20**

Jean H. Adams, Member, Board of Trustees  
Alexander Swantz, Member, Board of Trustees

### **Wenatchee Valley Community College District No. 15**

Dale Brighton, Member, Board of Trustees  
Scott Brundage, Member, Board of Trustees  
Wendell George, Member, Board of Trustees  
Alicia Nakata, Member, Board of Trustees

### **Whatcom Community College District No. 21**

Inez Johnson, Member, Board of Trustees  
Bernie Thomas, Member, Board of Trustees

### **State Board for Community and Technical Colleges**

Beverly Freeman, Member  
May Gerstle, Member  
Antonio Santoy, Member

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### **Other Boards, Councils and Commissions**

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#### **Apprenticeship Council**

Bruce F. Brennan, Member

#### **Eastern Washington State Hospital Advisory Board**

Timothy J. Adams, Member  
Pam Lucas, Member  
Ronald Murphy, Member  
Thomas Roe, Member  
Dennis Twigg, Member

#### **Gambling Commission**

Ardith Divine, Member  
Wanda Mosbarger, Member

#### **Health Care Facilities Authority**

Ludwig Lobe, Member

#### **Horse Racing Commission**

Robert Plut, Member  
James P. Seabeck, Member  
Barbara Shinpoch, Member



## Gubernatorial Appointments Confirmed

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### Housing Finance Commission

D.E. Chilberg, Chair  
Leo Brown, Member  
Donna E. Dilger, Member  
Harlan Douglass, Member  
Ron Forest, Member  
Kevin M. Hughes, Member  
Larry Kowbel, Member  
Josephine V. Tamayo Murray, Member

### Human Rights Commission

Jan Kumasaka, Chair  
Helen Donigan, Member  
Phyllis Pulfer, Member  
Lucio Rodriguez, Member

### Indeterminate Sentence Review Board

Kathryn S. Bail, Chair

### Investment Board

Jimmy Cason, Member  
Gary Moore, Member

### Lottery Commission

James S. Hattori, Chair  
Phil Boguch, Member

### Marine Employees' Commission

Louis O. Stewart, Member

### Interagency Committee for Outdoor Recreation

Eliot W. Scull, Chair  
James R. Fox, Member

### Pacific Marine Fisheries Commission

Harriet A. Spanel, Member  
Dean Sutherland, Member

### Pacific NW Electric Power and Conservation Planning Council

R. Ted Bottiger, Member

### Parks and Recreation Commission

John L. Shreve, Member  
Melvin D. Wortman, Member

### Personnel Appeals Board

Doug Sayan, Member

### Personnel Board

Thomas M. Burns, Member  
Cindy Zehnder, Member

### Pollution Control/Shorelines Hearings Board

Robert V. Jensen, Member  
Richard Kelly, Member

### Puget Sound Water Quality Authority

Lois M. Curtis, Member  
Larry Phillips, Member  
Michael R. Thorp, Member  
Sheri Tonn, Member  
Terry Williams, Member

### State School for the Blind

John F. Naddy, III, Member, Board of Trustees  
Cynthia L. Roney, Member, Board of Trustees  
Bonnie Roth, Member, Board of Trustees  
Ruby N. Ryles, Member, Board of Trustees

### State School for the Deaf

Kay Adamson, Member, Board of Trustees  
Glen Bocock, Member, Board of Trustees  
Katherine Steiner, Member, Board of Trustees

### Transportation Commission

Aubrey Davis, Member  
Connie Niva, Member  
Alice B. Tawresey, Member  
Linda Tompkins, Member  
Lawrence N. Weldon, Member

### Western Washington State Hospital Advisory Board

Wilford Collins, Jr., Member  
Nancy J. Donigan, Member  
Elizabeth Muktarian, Member  
Mark E. Soelling, Member

### Work Force Training and Education Coordinating Board

Betty J. Narver, Chair  
Dale Boose, Member  
Al Brisbois, Member  
John Carter, Member  
Karen Carter, Member  
Roberta J. Greene, Member  
Marian Svinth, Member

## 1992 Legislative Officers and Caucus Officers

### ◆ 1993 Regular Session of the Fifty-Third Legislature ◆

#### House of Representatives

##### **Democratic Leadership**

Brian Ebersole ..... Speaker  
Ron Meyers ..... Speaker Pro Tempore  
W. Kim Peery ..... Majority Leader  
Helen Sommers ..... Democratic Caucus Chair  
Tim Sheldon ..... Assistant Majority Leader  
Jeanne Kohl ..... Majority Whip  
Grace Cole ..... Assistant Majority Whip  
Tracey Eide ..... Assistant Majority Whip  
Hans Dunshee ..... Assistant Majority Whip  
Sandra Romero ..... Assistant Majority Whip  
Val Ogden ..... Democratic Caucus Vice Chair

##### **Republican Leadership**

Clyde Ballard ..... Minority Leader  
Randy Tate ..... Republican Caucus Chair  
Louise Miller ..... Minority Floor Leader  
Jeannette Wood ..... Minority Whip  
Steve Fuhrman ..... Assistant Minority Floor Leader  
Christopher Vance ..... Assistant Minority Floor Leader

Alan Thompson ..... Chief Clerk

Dennis Karras ..... Deputy Chief Clerk

Marilyn Showalter ..... Deputy Chief Clerk

Karen Parkhurst ..... Assistant Chief Clerk

Comil Padayao ..... Sergeant at Arms

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Al Williams ..... Vice President Pro Tempore  
Marty Brown ..... Secretary  
Brad Hendrickson ..... Deputy Secretary  
Richard C. Fisher ..... Sergeant at Arms

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Jim Jesernig ..... Majority Floor Leader  
Harriet A. Spanel ..... Majority Whip  
Margarita Prentice ..... Caucus Vice Chair  
Betti L. Sheldon ..... Majority Assistant Floor Leader  
Valoria H. Loveland ..... Majority Assistant Whip

##### **Republican Caucus**

George L. Sellar ..... Republican Leader  
Ann Anderson ..... Caucus Chair  
Irv Newhouse ..... Republican Floor Leader  
Bob Oke ..... Republican Whip  
Emilio Cantu ..... Republican Deputy Leader  
Linda A. Smith ..... Caucus Vice Chair  
Gary A. Nelson ..... Republican Assistant Floor Leader  
Pam Roach ..... Republican Assistant Whip

## Standing Committee Assignments

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<b>House Appropriations</b> Gary F. Locke, Chair Georgette Valle, Vice Chair Marlin J. Appelwick Ida Ballasiotes Bob Basich Don Carlson Suzette Cooke Dennis Dellwo Randy Dorn Hans Dunshee Greg Fisher Ken Jacobsen Dave Lemmon June Leonard Kelli Linville Bob Morton W. Kim Peery Nancy S. Rust Barry Sehlin Larry Sheahan Jean Silver Helen Sommers Val Stevens Gigi Talcott Art Wang Jesse Wineberry Cathy Wolfe	<b>see Senate Ways &amp; Means</b>		
		<b>House Commerce &amp; Labor</b> Michael Heavey, Chair Grace Cole, Vice Chair Gary Chandler Steve Conway Jim Horn Richard A. King Barbara Lisk Jim Springer Velma R. Veloria	<b>Senate Labor &amp; Commerce</b> Ray Moore, Chair Margarita Prentice, Vice Chair Neil Amondson Scott Barr Emilio Cantu Karen Fraser Rosemary McAuliffe Irv Newhouse Dwight Pelz Eugene A. Prince Dean Sutherland Larry L. Vognild R. Lorraine Wojahn
		<b>House Corrections</b> Betty Sue Morris, Chair Dave Mastin, Vice Chair Grace Cole Betty L. Edmondson Linda Johnson Jeanine H. Long Val Ogden Mike Padden Mike Riley	<b>see Senate Law &amp; Justice</b>

## Standing Committee Assignments

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 Vice Chair  
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 Bill Brumsickle  
 Don Carlson  
 Grace Cole  
 Tracey J. Eide  
 Greg Fisher  
 Mick Hansen  
 Barbara J. Holm  
 Evan Jones  
 Sue Karahalios  
 Jeanne Kohl  
 Julia Patterson  
 Wes Pruitt  
 Judi Roland  
 Val Stevens  
 Brian C. Thomas  
 Christopher Vance

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 Jim Johanson  
 Lynn Kessler  
 Pete Kremen  
 Jeanine H. Long  
 Curtis Ludwig  
 Louise Miller

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 Jim Horn  
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 Jeanne Kohl  
 Kelli Linville  
 Judi Roland  
 Larry Sheahan  
 Steve Van Luven

### Senate Education

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 Vice Chair  
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 Harold Hochstatter  
 Dan McDonald  
 John A. Moyer  
 Gary A. Nelson  
 Marilyn Rasmussen  
 Nita Rinehart  
 Sylvia Skratek  
 Adam Smith  
 Shirley J. Winsley

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 Harold Hochstatter  
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 Dean Sutherland  
 Phil Talmadge

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 Randy Tate

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 Dale Foreman  
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 Dave Lemmon  
 Pat Scott  
 Barry Sehlin

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 Steve Conway  
 Suzette Cooke  
 Philip E. Dyer  
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 Rob Johnson  
 Barbara Lisk  
 Dave Mastin  
 Todd Mielke  
 Betty Sue Morris  
 Pat Thibaudeau  
 Velma R. Veloria

### see Senate Labor & Commerce

### see Senate Natural Resources

### Senate Health & Human Services

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 Vice Chair  
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 Tim Erwin  
 Rosa Franklin  
 Karen Fraser  
 Jim Hargrove  
 Rosemary McAuliffe  
 Dan McDonald  
 John A. Moyer  
 Janice Niemi  
 Margarita Prentice  
 Kevin Quigley  
 Betti L. Sheldon  
 Linda A. Smith  
 Shirley J. Winsley

## Standing Committee Assignments

### House Higher Education

Ken Jacobsen, Chair  
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 Lane Bray  
 Bill Brumsickle  
 Don Carlson  
 Sarah Casada  
 Bill Finkbeiner  
 Stan Flemming  
 Lynn Kessler  
 Jeanne Kohl  
 Todd Mielke  
 Val Ogden  
 George Orr  
 Margaret S. Rayburn  
 Larry Sheahan  
 Paull H. Shin  
 Jeannette Wood

### House Human Services

June Leonard, Chair  
 Mike Riley, Vice Chair  
 Lisa J. Brown  
 Suzette Cooke  
 Sue Karahalios  
 Barbara Lisk  
 Mike Padden  
 Julia Patterson  
 Gigi Talcott  
 Pat Thibaudeau  
 Cathy Wolfe

### House Judiciary

Marlin J. Appelwick, Chair  
 Curtis Ludwig, Vice Chair  
 Ida Ballasiotes  
 Tom Campbell  
 David J. Chappell  
 Elmira Former  
 Jim Johanson  
 Gary F. Locke  
 Jeanine H. Long  
 Dave Mastin  
 Holly Myers  
 Mike Padden  
 Mike Riley  
 Karen Schmidt  
 Pat Scott  
 Randy Tate  
 Jesse Wineberry

### Senate Higher Education

Albert Bauer, Chair  
 Kathleen Drew, Vice Chair  
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 Jim Jesemig  
 Eugene A. Prince  
 Kevin Quigley  
 Betti L. Sheldon  
 Pete von Reichbauer  
 James E. West

### see Senate Health & Human Services

### Senate Law & Justice

Adam Smith, Chair  
 Kevin Quigley, Vice Chair  
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 Bob McCaslin  
 Gary A. Nelson  
 Janice Niemi  
 Nita Rinehart  
 Pam Roach  
 Harriet A. Spanel

### House Local Government

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 Lane Bray, Vice Chair  
 Hans Dunshee  
 Betty L. Edmondson  
 Ruth Fisher  
 Jim Hom  
 Margaret S. Rayburn  
 Bill H. Reams  
 Sandra Singery Romero  
 Jim Springer  
 Steve Van Luven  
 Paul Zellinsky, Sr.

### House Natural Resources & Parks

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 Rob Johnson, Vice Chair  
 Hans Dunshee  
 Kelli Linville  
 Bob Morton  
 Mark G. Schoesler  
 Timothy Sheldon  
 Val Stevens  
 Brian C. Thomas  
 Georgette Valle  
 Cathy Wolfe

### House Revenue

Greg Fisher, Chair  
 Barbara J. Holm, Vice Chair  
 Cal Anderson  
 Lisa J. Brown  
 Barbara S. Cothorn  
 Dale Foreman  
 Steve Fuhrman  
 June Leonard  
 Betty Sue Morris  
 Sandra Singery Romero  
 Nancy S. Rust  
 Jean Silver  
 Gigi Talcott  
 Pat Thibaudeau  
 Steve Van Luven  
 Art Wang

### Senate Government Operations

Mary Margaret Haugen, Chair  
 Kathleen Drew, Vice Chair  
 Valoria H. Loveland  
 Bob Oke  
 Brad Owen  
 Pete von Reichbauer  
 Shirley J. Winsley

### Senate Natural Resources

Brad Owen, Chair  
 Jim Hargrove, Vice Chair  
 Neil Amundson  
 Tim Erwin  
 Rosa Franklin  
 Mary Margaret Haugen  
 Bob Oke  
 George L. Sellar  
 Linda A. Smith  
 Sid Snyder  
 Harriet A. Spanel

### see Senate Ways & Means

## Standing Committee Assignments

### House Rules

Brian Ebersole, Chair  
 Ron Meyers, Vice Chair  
 Clyde Ballard  
 Bob Basich  
 Grace Cole  
 Steve Fuhrman  
 Evan Jones  
 Pete Kremen  
 Curtis Ludwig  
 Louise Miller  
 W. Kim Peery  
 Mike Riley  
 Judi Roland  
 Pat Scott  
 Helen Sommers  
 Randy Tate  
 Christopher Vance  
 Jeannette Wood

### House State Government

Cal Anderson, Chair  
 Velma R. Veloria, Vice Chair  
 Tom Campbell  
 Steve Conway  
 Philip E. Dyer  
 Richard A. King  
 Wes Pruitt  
 Bill H. Reams  
 Christopher Vance

### House Trade, Economic Development & Housing

Jesse Wineberry, Chair  
 Paull H. Shin, Vice Chair  
 Gary Chandler  
 Tom Campbell  
 Sarah Casada  
 Steve Conway  
 Elmira Forner  
 Betty Sue Morris  
 Dave Quall  
 Mark G. Schoesler  
 Timothy Sheldon  
 Jim Springer  
 Georgette Valle  
 Jeannette Wood

### Senate Rules

Joel Pritchard, Chair  
 R. Lorraine Wojahn,  
 Vice Chair  
 Ann Anderson  
 Albert Bauer  
 Emilio Cantu  
 Kathleen Drew  
 Rosa Franklin  
 Marcus S. Gaspard  
 Jim Jesernig  
 Valoria H. Loveland  
 Rosemary McAuliffe  
 Gary A. Nelson  
 Janice Niemi  
 Irv Newhouse  
 Bob Oke  
 Margarita Prentice  
 George L. Sellar  
 Linda A. Smith  
 Sid Snyder  
 Harriet A. Spanel  
 Larry L. Vognild  
 Al Williams

### see Senate Government Operations

### Senate Trade, Technology & Economic Development

Sylvia Skratek, Chair  
 Betti L. Sheldon, Vice Chair  
 Alan Bluechel  
 Alex A. Deccio  
 Tim Erwin  
 Marilyn Rasmussen  
 Al Williams

### House Transportation

Ruth Fisher, Chair  
 Evan Jones, Vice Chair  
 Lisa J. Brown, Vice Chair  
 Jean Marie Brough  
 Bill Brumsickle  
 Barbara S. Cothorn  
 Tracey J. Eide  
 Bill Finkbeiner  
 Elmira Forner  
 Steve Fuhrman  
 Mick Hansen  
 Michael Heavey  
 Jim Horn  
 Jim Johanson  
 Jeanne Kohl  
 Ron Meyers  
 Todd Mielke  
 Louise Miller  
 Holly Myers  
 George Orr  
 Julia Patterson  
 Dave Quall  
 Karen Schmidt  
 Timothy Sheldon  
 Paull H. Shin  
 Jeannette Wood  
 Paul Zellinsky, Sr.

### see House Appropriations, Capital Budget, Revenue

### Senate Transportation

Larry L. Vognild, Chair  
 Valoria H. Loveland,  
 Vice Chair  
 Sylvia Skratek, Vice Chair  
 Scott Barr  
 Kathleen Drew  
 Mary Margaret Haugen  
 Gary A. Nelson  
 Bob Oke  
 Margarita Prentice  
 Eugene A. Prince  
 Marilyn Rasmussen  
 George L. Sellar  
 Betti L. Sheldon  
 Pete von Reichbauer  
 Shirley J. Winsley

### Senate Ways & Means

Nita Rinehart, Chair  
 Harriet A. Spanel, Vice Chair  
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 Alan Bluechel  
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 Marcus S. Gaspard  
 Jim Hargrove  
 Harold Hochstatter  
 Jim Jesernig  
 Dan McDonald  
 John A. Moyer  
 Janice Niemi  
 Brad Owen  
 Dwight Pelz  
 Kevin Quigley  
 Pam Roach  
 Linda A. Smith  
 Sid Snyder  
 Dean Sutherland  
 Phil Talmadge  
 James E. West  
 Al Williams  
 R. Lorraine Wojahn