Final
Legislative Report

Fiftieth Washington State Legislature
1987 Regular and Special Sessions

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The Legislative Bill Room
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The photographs used on the cover and divider pages of this edition of the Legislative Report are of the four seasons on the capitol campus.

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1987 Regular and Special Sessions

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WASHINGTON STATE LEGISLATURE

Senate ● House of Representatives ● Legislative Building ● Olympia, Washington 98504

June, 1987

TO: Lieutenant Governor John A. Cherberg, and
Members of the Washington State Legislature

This final edition of the **Legislative Report** is a summary of legislative action during the 1987 Regular and Special Sessions of the 50th Legislature. It provides summaries of legislation which passed the Legislature, budget highlights and a record of all gubernatorial actions.

Additional information is available from Senate Committee Services and the House Office of Program Research.

Sincerely,

R. Ted Bottiger
Senate Majority
Leader

Joseph E. King
Speaker of the
House of Representatives

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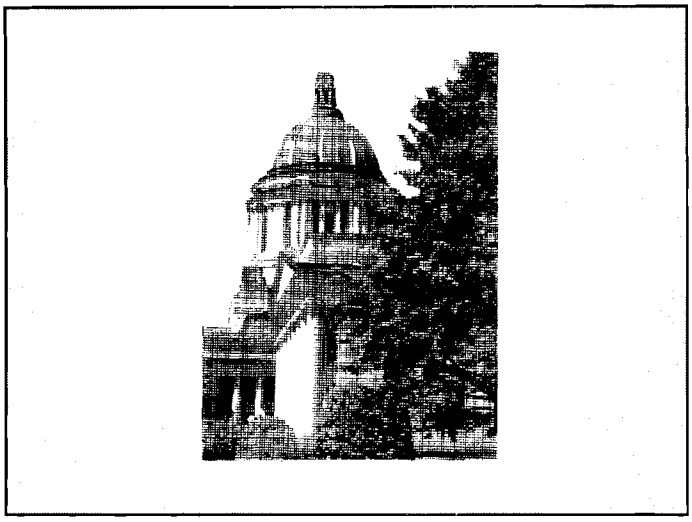

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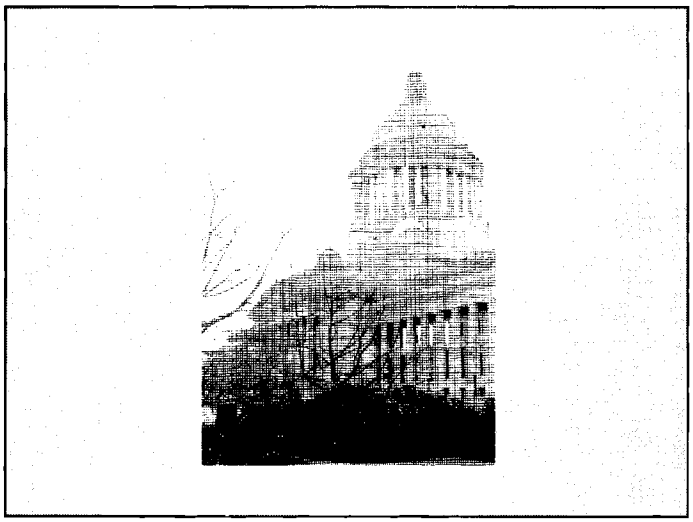
Legislation Passed



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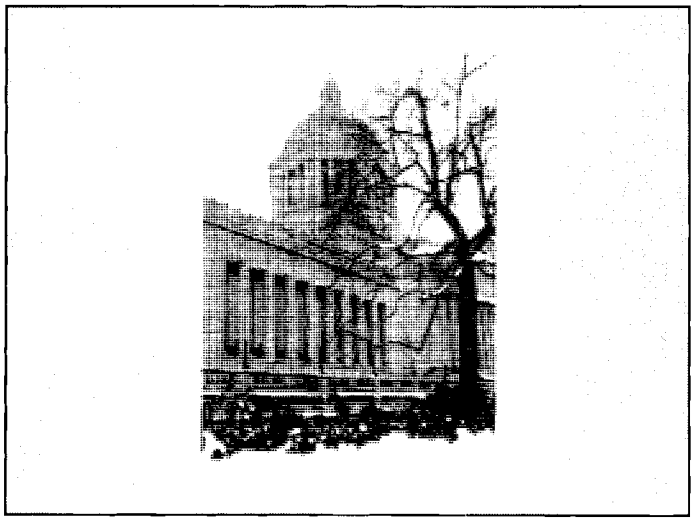

Section III
Indexes/Appendices

Statistical Summary – *1987 Regular and First Special Sessions of the 50th Legislature*

Bills Before Legislature	Introduced	Passed Legislature	Vetoed	Partially Vetoed	Enacted
1987 Regular Session (January 12 - April 26)					
House	1,256	289	3	36	286
Senate	1,078	247	5	24	242
1987 First Special Session (April 27 - May 21)					
House	0	6	1	2	5
Senate	0	5	0	3	5
TOTALS	**2,334**	**547**	**9**	**65**	**538**

Initiatives, Joint Memorials, Joint Resolutions and Concurrent Resolutions Before Legislature	Introduced	Filed with Secretary of State
1987 Regular Session		
House	74	11
Senate	55	15
1987 First Special Session		
House	3	5
Senate	2	3
TOTALS	**134**	**34**

Gubernatorial Appointments	Referred	Confirmed
1987 Regular Session	96	65
1987 First Special Session	6	31

Section I

Legislation Passed

House Legislation
Senate Legislation
Budget Information
Sunset Legislation

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HB 1

C 23 L 87

By Representatives Madsen, Miller, Grimm, Sayan, Vekich, Rasmussen, Padden, Taylor, Jacobsen, Haugen and P. King

Exempting seedlings and plantation Christmas trees from excise tax.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: Sales and use tax exemptions exist for seeds, fertilizer and sprays used in the production of agricultural goods. Agricultural goods are also exempt from business and occupation taxes. Christmas tree farms are specifically excluded from both of these exemptions.

Summary: A sales tax exemption is provided for sales of seedlings, fertilizer and spray used in the production of "plantation Christmas trees." In addition, a business and occupation tax exemption is granted for income received from the production of such trees. "Plantation Christmas trees" are defined as those trees which are exempt from the state timber excise tax. "Plantation" trees are grown on land prepared by intensive cultivation and tilling, and used exclusively for Christmas tree production.

Votes on Final Passage:

House	87	6
Senate	48	0

Effective: April 6, 1987

SHB 2

PARTIAL VETO

C 449 L 87

By Committee on Local Government (originally sponsored by Representatives Haugen, Hine, Allen, Nutley, Ferguson, Barnes, Valle, Unsoeld and P. King)

Modifying provisions relating to water and sewer districts.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Both sewer districts and water districts have been authorized to provide sanitary sewers, storm sewers, street lighting, and water facilities. The laws relating to sewer districts and water districts are substantially the same. The authority of a sewer district to provide water facilities references water district procedures. The authority of a water district to provide sewer facilities references sewer district procedures.

Summary: Laws relating to both sewer districts and water districts are changed:

When the district adopts a resolution to proceed with establishing the street lighting system, the period of time is reduced from 90 days to 30 days, after which the district loses its authority to establish the street lighting system if a protest petition is filed.

The size of a district board of commissioners may be increased from three to five members.

A commissioner position can be declared vacant if the commissioner has unexcused absences from three consecutive regularly scheduled district meetings. The commissioner must be mailed a notice after he or she misses the second consecutive meeting that such action will be taken.

Revenue bonds can be issued for any purpose or function that a district has been authorized in law.

Special assessments from a utility local improvement district (ULID) can be deposited into a fund used to pay for improvement costs prior to the issuance of revenue bonds.

A district can annex areas unilaterally if the area is less than 100 acres and has at least 80 percent of its boundaries coterminous with part of the boundaries of the annexing district and another district. A timely filed referendum petition can force an election on the annexation.

Territory in one district can be transferred to another district upon petition of the owners of 60 percent of the area, and approval by the boards of commissioners of both districts.

It is specified that reasonable attorneys' fees may be included in a judgment foreclosing liens on delinquent local improvement assessments of a district.

A district may permit installment payments on connection charges to be made over 15 years.

Sewer district laws are clarified authorizing sewer districts to provide approved septic tanks, approved septic tank systems, and facilities to collect, treat and dispose of wastewater, to control pollution from wastewater, and to protect and rehabilitate surface and underground waters.

A water district contiguous with Canada is authorized to contract with a Canadian corporation for the purpose of purchasing water and for the construction, maintenance and supply of waterworks to furnish the district and the residents of Canada with an ample supply of water.

Votes on Final Passage:

House	95	0	
Senate	45	2	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 1987

Partial Veto Summary: Sections are vetoed that allowed water or sewer districts to directly deposit prepaid special assessments into the improvement fund instead of the revenue bond fund. These vetoed sections are enacted in another 1987 law, House Bill 643. (See VETO MESSAGE)

HB 3

C 490 L 87

By Representatives Hine, H. Sommers, Patrick, Sayan, Holland, Silver, Barnes and P. King

Revising provisions relating to overpayment of retirement benefits.

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

Background: The Department of Retirement Systems (DRS) is required to recover from retirees or beneficiaries any pension overpayments resulting from errors appearing in the records of the state's retirement systems.

(1) The Public Employees Retirement System (PERS), Plan I provides that a retiree who returns to work for a PERS employer will automatically become an active member of PERS (earning service credit, etc.) and will immediately cease receiving his or her retirement payments. The Teachers' Retirement System (TRS), Plan I allows a retiree to work up to 75 days per school year without having his or her pension reduced. PERS Plan II and TRS Plan II both make a retiree ineligible for a pension while the retiree is employed by any non–federal public employer in the state.

When a public employer hires a PERS or TRS retiree but does not inform DRS of that fact, some or all of the pension payments made to the retiree while so employed may be "overpayments" which DRS may not learn of until much later. When the overpayments are discovered, DRS is required to recover them from the retiree. It is the employer's duty to report the retiree's new employment status to DRS, but the penalty for failing to report falls on the retiree.

(2) TRS I authorizes an actuarially reduced retirement allowance for the surviving spouse or dependent of a TRS I member who dies before retirement. The legislature provided an increase in the minimum TRS retirement allowance beginning July 1, 1979; that increase, however, was to be appropriately reduced for persons receiving actuarially reduced allowances.

In July 1986, DRS discovered that the 1979 increase in the minimum retirement allowance had been granted to certain surviving beneficiaries without the full actuarial reduction required. Approximately 46 persons are affected.

Summary: (1) Public employers covered by a state retirement system are required to ask new employees in writing if they have retired from any of the state's retirement systems. Employers are to use written responses from the employee as the basis for information provided to the Department of Retirement Systems (DRS). If the employer fails to report the hiring, the employer, not the retiree, is required to reimburse the pension system for any overpayments.

The employer's potential liability for such overpayment is limited to a maximum of $5,000 for each year of overpayments to an individual, up to a maximum of three years.

Only DRS recovery actions commencing after January 1, 1986, are affected; employers are billed only for overpayments made after that date.

(2) DRS cannot recover from surviving beneficiaries of Teachers' Retirement System (TRS) members who died in service any pension overpayment caused by the application of the 1979 cost–of–living adjustment, nor will such benefits be reduced.

Votes on Final Passage:

House	97	0	
Senate	49	0	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 1987

SHB 4

C 403 L 87

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Fisher, Madsen, Barnes and Wang; by request of Attorney General)

Revising provisions governing the release of public records.

House Committee on Constitution, Elections & Ethics
Senate Committee on Judiciary

Background: Certain information and records are exempted from public inspection and copying.

In a 1978 decision, the Washington State Supreme Court observed that public disclosure law establishes a

positive duty for a public agency to disclose public records unless they fall within the specific exemptions. However, in a 1986 decision, the court recognized a privacy interest in any information matched to a particular individual's name and revealing a unique fact about the individual. The court promulgated a new rule for determining whether such data must be exempted from disclosure. The rule requires that the personal privacy interest in the information be weighed against the public interest that would be served by disclosure.

In the 1986 decision, the court also addressed the ability of law enforcement officials to examine records maintained by a public utility district where the information sought is matched to a particular person's name, such as records of an individual's electrical usage. The court stated that governmental authorities should articulate a specific suspicion of particular illegal conduct when seeking the disclosure from an agency of information matched to a specific individual.

Summary: Each agency must make available for public inspection and copying all public records unless the record falls within the specific exemptions which provide otherwise. The burden of proof is on the agency to establish that refusal to permit public inspection and copying is in accordance with a statute exempting or prohibiting disclosure of the information or records. Agencies must not distinguish among persons requesting records, and such a person cannot be required to provide information as to the purpose for the request unless required by law.

A right of privacy or personal privacy is invaded or violated for the purposes of the public disclosure laws only if disclosure of information about the person would be highly offensive to a reasonable person and is not of legitimate concern to the public. The public disclosure laws do not create any right of privacy beyond those rights specified as exemptions from the public's right of access to public records.

A law enforcement authority may not request the records of any person which belong to a public utility district or a municipally owned electrical utility unless the authority provides the district or utility with a written statement that: (1) it suspects that the person has committed a crime; and (2) the authority has a reasonable belief that the records could help determine whether the suspicion is true. Information obtained in violation of this rule is inadmissable in any criminal proceeding.

Votes on Final Passage:

House	95	0	
Senate	49	0	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 1987

HB 6

C 4 L 87

By Representatives Wang and Patrick; by request of Statute Law Committee

Recodifying statutes regulating gambling.

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

Background: Some sections of the gambling chapter are lengthy and contain misplaced material. The current organization causes confusion and makes the amendment process unwieldy.

Summary: The definition and authorized gambling activity sections of the gambling chapter are each divided into shorter sections. The authorization to conduct wagering found in the definition section is placed in a separate section. Other housekeeping changes are made.

Votes on Final Passage:

House	82	13
Senate	41	0

Effective: March 16, 1987

SHB 9

C 18 L 87

By Committee on Local Government (originally sponsored by Representatives Haugen, L. Smith, S. Wilson and P. King)

Authorizing a public utility district to combine its separate utility systems into a joint utility system.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Public utility districts (PUD's) are authorized to provide the following separate utility systems: (1) electrical energy systems; (2) domestic water systems; (3) irrigation systems; (4) sanitary sewer systems; and (5) storm sewer systems.

Summary: A public utility district (PUD) is authorized to combine two or more of its utility systems into a joint utility system with combined accounts and funds.

Votes on Final Passage:
House 96 0
Senate 48 0

Effective: July 26, 1987

HB 10

C 417 L 87

By Representatives Grimm and Sayan

Revising provisions relating to transfer of service credit from the state–wide city employees' retirement system.

House Committee on Ways & Means/Appropriations

Background: In 1972, the State–Wide City Employees' Retirement System (SWCERS) was abolished and its responsibilities, assets, and liabilities were transferred to the Public Employees' Retirement System (PERS). Service credit earned by members of SWCERS was not transferred into PERS at that time. In 1984, the PERS statute was amended to allow former members of SWCERS who became members of PERS on or before March 15, 1984, to transfer service credit to PERS. Members wishing to transfer credit were required to do so by March 15, 1985. Some former members of SWCERS were not informed of their option to transfer credit and did not do so within the required time frame.

Summary: A one–year "open window" is created during which former members of the State–Wide City Employees' Retirement System (SWCERS) may transfer service credit to the Public Employees' Retirement System (PERS).

Votes on Final Passage:
House 97 0
Senate 49 0 (Senate amended)
House (House refused to concur)
Senate 46 0 (Senate receded)

Effective: July 26, 1987

SHB 11

C 17 L 87

By Committee on Local Government (originally sponsored by Representatives Haugen, Madsen, Sayan and S. Wilson)

Authorizing emergency service communication districts.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: County voters can authorize the imposition of a countywide tax for a six–year period on telephone access lines to finance a countywide system of emergency service communications. The required vote on a ballot proposition authorizing the tax is a 60 percent majority vote, with a 40 percent validation requirement, similar to that required to approve an excess property tax levy.

Summary: One or more, less than countywide, emergency service communication districts may be established in a county to finance the provision of emergency service communications systems. An emergency service communication district is a separate unit of government, with the members of the county legislative authority constituting the district governing body.

A district can impose a telephone access line tax to finance the communication system if authorized by the voters with the same voter approval percentage requirements within the district as for a countywide tax imposed by the county.

Approval of a ballot proposition to create the district is by a simple majority vote. At the same election, a second ballot proposition may be submitted to the voters of the proposed district to authorize a telephone access line tax to finance the system for a six–year period. Approval of the second ballot proposition is by the same voter approval percentage requirements as for a countywide tax imposed by the county.

The bill contains an emergency clause.

Votes on Final Passage:
House 95 0
Senate 45 0

Effective: April 3, 1987

2SHB 16

C 405 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Grimm, Walker, Rust, Allen, Jacobsen, Winsley, Brekke, Locke, Unsoeld and Belcher)

Regulating wood stoves emissions.

House Committee on Environmental Affairs
House Committee on Ways & Means/Appropriations
Senate Committee on Parks & Ecology

Background: The use of wood for residential heating purposes has rapidly increased in Washington over the

past decade. Less than 2 percent of Washington's residents used wood as their primary source of heat in the early 1970s. By 1980, this figure had increased to over 10 percent. Since 1980, the number of wood stoves and fireplace inserts in use across the state has doubled.

In addition to increased use of wood heating, there have been significant increases in population and density in many of Washington's communities. The result has been a significant deterioration of residential air quality due to wood smoke emissions. A recent Environmental Protection Agency (EPA) study concluded that residential wood combustion emissions contributed from 65 to 84 percent of the fine particulates in the air of certain residential areas of Seattle and Spokane. Unusually high levels of the fine particulates associated with wood smoke have also been reported in Yakima, Olympia, Bellevue and other areas.

Residential wood smoke emissions are not currently regulated in Washington. Oregon and Colorado have adopted wood stove certification programs. The EPA is currently developing a new source performance standard for wood stoves, but the effective date at the retail level will not occur until the early 1990s.

Summary: By January 1, 1988, the Department of Ecology must establish: 1) statewide emission performance standards for new wood stoves; 2) a program to approve wood stoves that meet the emission performance standards; and 3) statewide opacity levels for wood stoves and fireplaces for the purposes of education and enforcement. Opacity levels will be set at 20 percent for educational purposes, 40 percent for enforcement purposes until July 1, 1990, and 20 percent for enforcement after July 1, 1990.

The burning of wood is prohibited during specified times of increased air pollution. All wood stoves and fireplaces must curtail burning during "air pollution episodes" called by the Department of Ecology. Certified wood stoves are exempt from "impaired air quality" curtailment provisions called by local authorities or the department. Any residence or commercial establishment that does not have an adequate source of heat without burning wood is exempt from these curtailment provisions.

The Department of Ecology is directed to establish a public education program to educate the public and wood stove dealers about the effects of wood stove emissions, methods of achieving better emission performance, the benefits of replacing inefficient wood stoves, and wood stoves that have been approved by the department. The education program will be funded by a flat fee not to exceed $5 on the retail sale of wood stoves. An advisory committee is established to assist the department in setting the fee, designing the education program, and participating in the development of wood stove regulation.

After January 1, 1988, it is unlawful to sell, offer to sell, or knowingly advertise to sell a new wood stove in Washington that has not been approved by the Department of Ecology. Violations are subject to the criminal and civil penalties of the Clean Air Act.

Unless allowed by rule, the following materials may not be burned in any residential solid fuel burning device: garbage, treated wood, plastics, rubber products, animals, asphalt products, waste petroleum products, paints, or any substance, other than properly seasoned wood, which normally emits dense smoke or obnoxious odors.

Votes on Final Passage:

House	65	31	
Senate	35	13	(Senate amended)
House	70	28	(House concurred)

Effective: July 26, 1987

HB 24

C 294 L 87

By Representatives Sutherland, Peery and P. King

Permitting waiver of penalties for late payment of motor vehicle fuel tax.

House Committee on Transportation
Senate Committee on Transportation

Background: A large portion of the road system in federally owned forest areas is under federal jurisdiction. The cost of maintaining these roads is borne by the federal government. Users of these roads include logging firms which are harvesting and hauling timber from sites within the forests, or from state or privately owned land adjacent to the federal land.

During at least part of each year, the federal government closes some of the roads in federal forest areas to the general public. Access is provided only to motor vehicles operated in conjunction with logging activities.

In many instances, the federal government imposes fees on logging firms for the privilege of using specified road segments to gain access to timber harvest sites. These fees cover road maintenance costs incurred by the federal government as a result of use by the logging firms. Occasionally, the federal government requires a firm to perform maintenance on road segments used by the firm in conjunction with logging operations, in lieu of the payment of a road maintenance fee.

Under the state fuel tax law, roads in federal forest areas are considered part of the public highway system in the state when they are open to the general public. As a result, fuel used in conjunction with logging activities on these roads is subject to the state's 18 cents–per–gallon fuel tax, even when logging firms are required to pay a road maintenance fee to the federal government. The logging firms qualify for an exemption from the fuel tax only when the roads are closed to the general public.

Summary: Logging firms that are required to pay road maintenance fees to the federal government for the privilege of using roads in federal forest areas are exempted from the state fuel tax for fuel used on those roads. The exemption is also allowed when logging firms are required to perform maintenance or construction work on the roads in lieu of the payment of maintenance fees.

Votes on Final Passage:

House	95	0	
Senate	47	0	(Senate amended)
House	93	0	(House concurred)

Effective: July 26, 1987

SHB 25

PARTIAL VETO

C 505 L 87

By Committee on State Government (originally sponsored by Representatives H. Sommers, B. Williams, Sayan, Holland, Brekke and P. King; by request of Legislative Budget Committee)

Revising provisions for state publications.

House Committee on State Government
Senate Committee on Governmental Operations

Background: In 1977, the legislature directed the Governor to "maximize the economy, efficiency and effectiveness" of state publications and also directed the Office of Financial Management to provide "guidelines" for the printing of state publications.

At the same time, over 100 statutory reporting requirements were modified or eliminated.

In 1986, the Legislative Budget Committee (LBC) conducted a review of current statutory state agency reporting requirements and noted that a substantial number have been enacted since 1977. Subsequently, a LBC subcommittee directed the LBC staff to develop draft legislation to modify or eliminate many of those requirements.

Summary: State agency information reporting requirements are changed by: (1) eliminating 62 reports; (2) requiring dissemination of some reports to the chairs of the appropriate House of Representatives and Senate standing committees and their respective staffs, instead of to all legislators; (3) standardizing reporting periods to a biennial basis and specifying that these reports are subject to the authority of the governor to consolidate state agency publications; and (4) limiting the duration of the reporting requirement for some state agency publications.

All state agency publications that must be made available to legislators are to be distributed through the Washington State Library. The library will publish and distribute a list of these publications, and legislators may then request that specific publications be distributed to them. Agencies may distribute publications directly to a legislator at their request.

The Office of Financial Management is charged with studying the state's furniture acquisition and replacement process and reporting to the legislature by January 1, 1988.

Votes on Final Passage:

House	97	0	
Senate	49	0	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 1987

Partial Veto Summary: Provisions requiring the state library to distribute state agency publications to the legislature and requiring OFM to study the state's furniture acquisition and replacement policies are vetoed. Distribution to the legislature of the annual report of the Office of Minority and Womens' Business Enterprises is reinstated. Sections are vetoed dealing with reports from the Department of Trade and Economic Development on federally tax–exempt private activity bonds and the Center for International Trade in Forest Products. Both of these sections are repealed by other 1987 laws. (See VETO MESSAGE)

SHB 26

PARTIAL VETO

C 511 L 87

By Committee on Commerce & Labor (originally sponsored by Representatives Wang, Patrick, Sayan, Fisch, Walker, H. Sommers and R. King; by request of Washington State Lottery)

Changing provisions relating to the lottery.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

Background: The legislature established the state lottery in 1982. A five-member commission, appointed by the governor with the consent of the Senate, is responsible for adopting rules governing the establishment and operation of the lottery. A director, also appointed by the governor, supervises and administers the operation of the lottery, including the licensing of agents.

A licensee who sells a lottery ticket to a person under 18 is guilty of a misdemeanor. A person under 18 who purchases a ticket may not receive a prize, but no other penalty is imposed. Purchases of tickets to be used as gifts to persons under 18 are permitted.

Not less than 45 percent of the gross annual revenue from the lottery must be paid out in prizes. Prizes unclaimed after a 180-day claim period are to be used for additional prizes. Gross revenues are also used for transfers to the General Fund, agent compensation, purchase and promotion of games and game-related services, and administrative costs. Only administrative costs are appropriated. The lottery transferred $72.2 million to the General Fund in fiscal year 1986, and $273 million in the first four fiscal years of operation.

The enabling legislation provided for automatic termination of the lottery in five years, July 1, 1987, unless extended by law, and mandated a study by the Legislative Budget Committee (LBC) to evaluate the effectiveness of the chapter. The LBC recommended that the lottery be continued as a state agency and that any reenabling legislation contain specific legislative intent on the state's participation in any multi-state lottery.

Summary: The state lottery is reauthorized for an additional five years, until July 1, 1992, and the Legislative Budget Committee shall again evaluate the effectiveness of the lottery.

Approval of the legislature is required before the lottery may enter any agreement with other state lotteries to conduct shared games.

A person under 18 directly purchasing a ticket is guilty of a misdemeanor.

The requirement that the lottery pay out not less than 45 percent of the gross annual revenue in prizes is changed to a requirement that the lottery pay out prizes equal to 45 percent. Costs of the purchase and promotion of lottery games and game-related services are to be appropriated.

When issuing a license to sell tickets, the director must provide written notice to the affected local governments. If the appropriate executive body notifies the lottery within 30 days that the location is not in conformance with local zoning codes, the director must deny the license.

Votes on Final Passage:

House	69	27	
Senate	30	19	(Senate amended)
House	69	27	(House concurred)

Effective: May 19, 1987

Partial Veto Summary: The language requiring appropriation of costs of purchase and promotion of lottery games and game-related services and notification of local governments of license issuance is vetoed. Current law providing that the lottery pay out not less than 45 percent in prizes is restored. (See VETO MESSAGE)

HB 31

C 132 L 87

By Representatives Lux and P. King

Requiring insurers to file their annual statement convention blank.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

Background: The National Association of Insurance Commissioners has established a computerized system for use by insurance commissioners that permits direct and immediate access to information regarding the financial status of all insurance companies.

Summary: Insurance companies authorized to transact business in Washington are required to file a copy of their annual financial statement with the National Association of Insurance Commissioners (NAIC). In addition, Washington state's insurance commissioner is authorized to establish a fee which must be paid by insurers directly to the NAIC to cover the cost of analyzing financial statements submitted by companies.

Votes on Final Passage:

House	90	0
Senate	49	0

Effective: July 26, 1987

HB 39

C 298 L 87

By Representatives Haugen, Zellinsky and P. King

Changing provisions related to special districts and requiring a study of special districts.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Various types of special districts can be created to provide diking, drainage and flood control improvements. These special districts are characterized by voting rights restricted to property owners, and facilities and activities funded by the imposition of special assessments. Most of the laws relating to these special districts were enacted in the 1890s and early 1900s. Legislation to modernize and standardize statutes for these special districts was enacted in 1985 and 1986.

Over 60 different types of special districts have been authorized to be created to provide a variety of public facilities and services.

Summary: The general laws relating to those special districts that provide diking and drainage–type facilities and services are altered:

Territory may be transferred between two of these special districts, upon the concurrence of the governing bodies of both districts and following the procedure by which a district annexes territory.

The process to fill vacancies on a governing body of one of these special districts is altered so that an appointee by the county legislative authority only serves until a person is elected at the next special district general election occurring 60 or more days after the date of the vacancy.

An incomplete sentence in the 1986 laws is corrected to clarify that bonds may be issued by one of these special districts only if the bonds are payable from special assessments derived by using the new procedure to calculate a system of special assessments that is prepared by the county legislative authority for the special district.

Performance bonds by members of a governing body are required to be filed with the county clerk, instead of the county treasurer, of the county within which all or the greatest portion of the special district is located.

The requirement is deleted that construction contracts over $10,000 in value must be awarded by competitive bidding.

The Legislative Budget Committee, in cooperation with the Senate Governmental Operations Committee and the House Local Government Committee, will review the laws relating to all types of special purpose districts, and will recommend the continuation, elimination, or modification of each type of special purpose district. By January 1, 1988, a schedule must be established for this review, with the review completed by January 15, 1993.

Votes on Final Passage:

House	95	0	
Senate	45	0	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 1987

SHB 42

C 154 L 87

By Committee on Judiciary (originally sponsored by Representatives Sutherland, Cooper, Armstrong, Jacobsen, Baugher, Patrick, C. Smith, Chandler, Nealey, Wineberry, Betrozoff, Hargrove, Todd, Lewis, Rayburn, K. Wilson, Rasmussen, Basich, Padden, Brekke, Brough, Ballard, Holm, Schoon, Winsley, L. Smith and May)

Authorizing the warrantless arrest of minors for the acquisition, possession, or consumption of alcohol.

House Committee on Judiciary
Senate Committee on Judiciary

Background: State law generally requires police officers to get an arrest warrant before they may arrest a person for a misdemeanor or gross misdemeanor. Two exceptions to this general rule are provided. First, an officer may make an arrest without a warrant if the offense is committed in the officer's presence. Second, there is an enumerated list of crimes for which an officer may make a warrantless arrest even if the crime was not committed in the officer's presence, so long as the officer has probable cause to believe that the person arrested committed the crime. Misdemeanors and gross misdemeanors in the enumerated list include crimes involving physical harm or threats of harm to persons or property, possession or use of cannabis, domestic violence and certain traffic law violations.

In a recent decision, the state supreme court ruled that an officer could not make a warrantless arrest of an underage person for the crime of possession or consumption of alcohol when the officer had not seen the person holding or drinking the alcohol, but had only seen the person acting as though under the influence of alcohol.

Summary: The list of misdemeanors and gross misdemeanors for which an officer may make a warrantless

arrest upon probable cause is expanded to include possession or consumption of alcohol by a person under the age of 21.

Votes on Final Passage:

House	93	2
Senate	48	0

Effective: July 26, 1987

HB 44

C 155 L 87

By Representatives Todd, Barnes, Madsen, Winsley, Baugher and Patrick

Clarifying procedures on the collection of property taxes on mobile homes.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: Procedures for collecting outstanding personal property taxes on mobile homes situated on leased or rented land are ambiguous. There is no authority for attaching property liens to collect the taxes on such mobile homes, including those mobile homes occupied by senior citizens participating in the property tax relief programs.

Summary: Mobile homes situated on leased or rented land are made subject to personal property taxes for collection, billing and payment. These mobile homes are subject to tax liens permitting the charging of personal property taxes against real property owned by the taxpayer, including senior citizens participating in the property tax relief program.

Votes on Final Passage:

House	95	0
Senate	46	0

Effective: July 26, 1987

SHB 47

C 418 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives May, Ferguson, Haugen, Schoon, Nutley, Jacobsen and Walker)

Including persons employed as public safety officers in the LEOFF retirement system.

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

Background: Membership in the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) is open only to fire fighters and law enforcement officers. A fire fighter is defined as (1) a person serving as a full–time, fully compensated member of a fire department or (2) as supervisory fire fighter personnel. A law enforcement officer is defined as any person serving as (1) a full–time, fully compensated county sheriff or deputy sheriff, or (2) a full–time commissioned police officer. Public safety directors are not eligible to be members of LEOFF.

Summary: Under the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) the terms "law enforcement officer" and "fire fighter" are changed to include any person employed on or after November 1, 1975 and prior to December 1, 1975 as a public safety director with only police and/or fire duties. Directors of public safety are not required to meet the age standards established under LEOFF Plan I.

Votes on Final Passage:

House	97	0	
Senate	45	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 26, 1987

SHB 48

PARTIAL VETO

C 460 L 87

By Committee on Judiciary (originally sponsored by Representatives Appelwick, Belcher, Wang, Wineberry, P. King, Locke, Todd, K. Wilson, Leonard and Brekke)

Revising provisions relating to parenting.

House Committee on Judiciary
Senate Committee on Judiciary

Background: Determining who will have the legal custody of a child can be an issue in several contexts. One or both parents of a child may seek custody in a dissolution, legal separation, or action to declare a marriage invalid. A parent may also seek custody outside the context of the break–up of a marriage. Non–parents may seek custody when the child is not in the custody of a parent or when the parents are alleged not to be suitable custodians.

In determining who should have custody, the court must do so in accordance with the "best interest of the child." The court is to consider five factors in determining the best interest: (1) the wishes of the parents;

(2) depending on the child's age, the wishes of the child; (3) the relationship of the child with the parents and others; (4) the child's adjustment to his or her home, school and community; (5) the physical and mental health of all individuals involved.

Once awarded, custody can be modified only under certain conditions. Those conditions include maintaining the best interest of the child and the need to respond to some change in the child's or the custodian's circumstances. In addition, the current custodian must agree to the change, or the child must already have become integrated into the family of the party seeking the change, or it must be shown that there is danger of harm to the child by the current custodian that outweighs the harm to the child of changing custodians.

A parent who does not get custody of a child is entitled to reasonable visitation. Others may also be awarded visitation. A parent may be denied visitation only if visitation would be dangerous to the child's health.

In setting child support, the court is to consider "all relevant factors" and then to order payment of a "reasonable or necessary" amount.

Custodial interference is a crime and may be either in the first or second degree. Custodial interference occurs if a relative of a minor or an incompetent person denies access to the minor or incompetent person by any other person or agency which has a legal right to physical custody. If the interference is permanent or is for purposes of harassment, the crime is a class C felony. If the interference does not meet these criteria, it is a gross misdemeanor on the first offense and a class C felony on subsequent offenses. It is a defense to a prosecution for custodial interference in the second degree that access to a child was denied because of danger to the child or to oneself.

A relative may also bring a civil action to enforce a right to physical custody of the child.

Summary: The Dissolution of Marriage Act is amended to remove references to "custody" and incorporate a new set of procedures relating to parenting responsibilities. The legislative policy is declared to be that parenting arrangements as a result of dissolution of marriage proceedings should be designed to maintain a child's emotional growth, health, stability and physical care. The best interests of the child are declared usually to be served by maintaining the existing interactions between the parents and the child.

As part of a proceeding for dissolution of marriage, separation, or declaration of invalidity, each party to the proceeding may be required to present proposed temporary and permanent parenting plans to the court. A proposed temporary parenting plan is filed if a parent seeks a temporary order regarding parenting. The proposed temporary plan will include information concerning each parent's responsibilities for the parenting function, his or her current and preceding 12–month work and child–care schedules, and any circumstances which present a substantial risk for the child. The parties may present a joint parenting plan or may each file separate plans. If the parties do not agree on a temporary plan, the court shall hold a hearing on the plans submitted and enter an order adopting a plan. The plan that is adopted should be one that is in the best interest of the child. The court may consider which parent has taken greater responsibility for the last 12 months and which plan will cause the least disruption to the child's emotional stability.

Prior to entry of the decree of dissolution, separation, or declaration of invalidity, the parties are required to submit proposed permanent parenting plans to the court. The permanent parenting plan must include provision for resolution of future disputes, allocation of decision–making authority, the child's residential arrangements, and financial support for the child. If the parties do not agree on a permanent parenting plan, and mandatory settlement conferences are required in the superior court of the county, they are required to attend a mandatory settlement conference presided over by a judge or court commissioner. A party who fails to participate in the settlement conference in good faith may be held in contempt of court.

The dispute resolution process may include counseling, mediation, or arbitration by either an individual or agency or by the court. The court may not order a dispute resolution process other than judicial action if there has been willful abandonment, physical, sexual or emotional abuse of the child, or a history of domestic violence or one act of felonious domestic violence, or if a parent would be unable to afford the dispute resolution process.

The court must approve a decision making process agreed to by the parties. If the parties do not come to an agreement, the court will order either sole or mutual decision making authority. The court will order sole decision making authority if both parties are opposed to mutual decision making, one party has reasonable grounds for opposing mutual decision making, or if there has been a willful abandonment, physical, sexual or emotional abuse of the child, or a history of domestic violence or one act of felonious domestic violence. In considering whether mutual decision making should be ordered, the court must consider the history of the participation of the parents in decision making, whether the parents have demonstrated an ability and

desire to cooperate in decision making, and the parents' geographic proximity.

The residential provisions ordered by the court must be designed to encourage for each parent a loving, stable, and nurturing relationship with a child. The most significant factor in determining residential placement will be the relative strength of the child's relationship with each parent. The court may also take into consideration any agreement entered into by the parties. In addition, the court may consider each parent's performance of parenting functions, the child's relationship with siblings, the child's emotional needs and developmental level, and the child's wishes. The court may order a child to alternate households only if there has been no past history of abuse or violence, and either the parties agree to such an arrangement or the parties have shown an ability to cooperate, the parties are in close enough physical proximity, and one parent is designated the residential parent. The arrangement must also be in the best interest of the child.

The court may limit a parent's residential time with the child if there has been a willful abandonment, physical, sexual or emotional abuse of the child, or a history of acts of domestic violence or one act of felonious domestic violence. If there has been past domestic violence, the court need not limit a parent's residential time if the court expressly finds that the conduct is not likely to reoccur or if the acts had no impact on the child.

An attempt by a parent in negotiation or performance of the parenting plan to condition one aspect of the parenting plan on another may be deemed to be in bad faith. The court may punish bad faith by a party by a punitive award or civil or criminal contempt and may consider the conduct in awarding attorney's fees.

A new chapter is established to provide procedures for third party custody suits when a person other than a parent seeks custody of a child if the child is not in a parent's physical custody, or if the person alleges that neither parent is a suitable custodian. The procedures mirror the current procedures for custody actions in dissolution of marriage proceedings. If the court grants the petition, it may order the parents to pay support and health insurance. The court has the power to enforce the custody decree and enter a temporary injunction. Parents who are not given custody have a right to reasonable visitation if it would not endanger the child. The custodian is given the authority to determine the child's upbringing. The court may not modify the custody order except upon a showing of a substantial change in circumstances.

A relative is guilty of custodial interference if, with an intent to deny access to a person, he or she takes or conceals the person from a parent, guardian, institution, or agency who has a right to visitation. The defense to a prosecution of second degree custodial interference is limited to situations where the relative has contacted the authorities. A relative may bring a civil action to enforce visitation rights against a person who has denied access to a child.

In an action to determine paternity under the uniform parentage act, the court must make provision for the residence of the child in the same manner as provided for in the parenting plan in a dissolution of marriage proceeding.

Votes on Final Passage:

House	95	0	
Senate	31	16	(Senate amended)
House	83	13	(House concurred)

Effective: January 1, 1988

Partial Veto Summary: Provisions that established a procedure for the payment of child support in third–party custody cases, that provided for modification of child support orders entered in third–party custody cases, and that expanded the crime of custodial to include violations of visitation orders or parenting plans are vetoed. (See VETO MESSAGE)

HB 49

C 115 L 87

By Representatives Valle, Allen, Rust, R. King and P. King

Establishing a governor's award of excellence for achievement in hazardous or solid waste management.

House Committee on Environmental Affairs
Senate Committee on Parks & Ecology

Background: The Solid Waste Advisory Committee was established to provide advice to the Department of Ecology on all matters regarding solid and hazardous waste management. The committee consists of 11 members: the head of the department's solid waste division and 10 additional members appointed by the director of the Department of Ecology. These members represent the interests of the public, local government, agriculture, industry, public health, and the refuse removal and resource recovery industries.

Summary: The Solid Waste Advisory Committee is directed to recommend to the governor a recipient for a "Governor's Award of Excellence." The award will be given annually for an outstanding achievement by

an industry, company or individual in the area of hazardous waste or solid waste management.

Votes on Final Passage:
House 97 0
Senate 47 0

Effective: July 26, 1987

HB 51

C 128 L 87

By Representatives Lux, Winsley, P. King, Crane, Niemi, Wang, Brooks, Locke and Meyers; by request of Insurance Commissioner

Authorizing the continuation of the Washington Essential Property Insurance Inspection and Placement Program.

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

Background: The Fair Access to Insurance Requirements (FAIR) Plan was created by Congress as part of the Urban Property Protection and Reinsurance Act of 1968. This plan was a reaction to the riots and civil disorders of the 1960s. The purpose of the plan was to provide a method for business and property owners in high-risk areas to obtain property insurance. Under provisions of the act, the U.S. Department of Housing and Urban Development was directed to approve and oversee state-supervised plans to provide such property insurance. In response, Washington created the Washington Essential Property Insurance Inspection and Placement Program in 1969.

The Washington program provides for an insurance industry administrative group to review applications for insurance and assign property to insurance companies authorized to write property insurance in this state.

The federal program (FAIR) was recently terminated. Since the state law authorizing the state insurance commissioner to operate a FAIR plan referenced this federal program, the commissioner's authority was similarly terminated.

Summary: The insurance commissioner is reauthorized to operate the Washington Essential Property Insurance Inspection and Placement Program.

Votes on Final Passage:
House 90 0
Senate 48 0

Effective: July 26, 1987

SHB 55

C 159 L 87

By Committee on Natural Resources (originally sponsored by Representatives Sutherland, B. Williams, Peery, Holm, Hargrove, Vekich, Cooper, Sayan, Basich, Fisch, Baugher and Kremen)

Modifying the determinations of sustainable harvest.

House Committee on Natural Resources
Senate Committee on Natural Resources

Background: The Department of Natural Resources (DNR) manages 2.1 million acres of timberland for trusts created at statehood. DNR sells timber from these lands on a sustainable harvest basis (a sales level that could be sustained in perpetuity). State managed trust lands provide funds for construction of school buildings, university construction, the capitol campus, social and health services and for county operations.

During the late 1970s and early 1980s, purchasers bid very high prices for DNR timber. Subsequently, a slowdown in the housing market caused a reduction in lumber prices, and many of the contract purchasers defaulted on their contracts. The quantity of timber covered by defaulted contracts amounted to over 1.1 billion board feet.

During the early 1980s, DNR chose not to sell a portion of its planned timber sales due to low bid prices. The quantity deferred from sales amounted to 0.6 billion board feet.

Summary: The Department of Natural Resources is directed to calculate a sustainable harvest level. It will also calculate a timber sale arrearage, defined as the total of any defaulted timber sales volume plus the difference between actual and planned timber sales volume in the previous planning decade. If an arrearage exists at the beginning of any planning decade, the department will evaluate whether or not it is in the best interest of the trusts to sell the arrearage from the previous decade in addition to the regularly scheduled timber sales volume for the upcoming decade. In its evaluation, the department will consider existing and forecast economic factors as well as environmental impacts associated with selling the arrearage.

Votes on Final Passage:
House 93 2
Senate 49 0

Effective: July 26, 1987

SHB 56

C 258 L 87

By Committee on Natural Resources (originally sponsored by Representative Sutherland)

Modifying provisions relating to surface mining permits and fees.

House Committee on Natural Resources
Senate Committee on Natural Resources

Background: The Department of Natural Resources (DNR) regulates surface mining in the state. Legislation defines surface mining as the disturbance of more than two acres of land or removal of more than 10,000 tons of minerals in any 12–month period. Prior to operation, each operator of a surface mine must obtain an operating permit from DNR at a cost of $250 per year. The operator must submit and have approved a reclamation plan which identifies a plan to restore the land's vegetative cover and soil stability, and to create appropriate water and safety conditions.

The operator must reclaim surface mined property simultaneously with surface mining to the extent possible. If simultaneous reclamation is not possible, reclamation must begin at the earliest possible time after mining is finished or abandoned on any "segment" of the property. In each case, reclamation shall be completed within two years of disturbance. An application for a mining permit must include a reclamation plan, including proposed subsequent use of the property. To ensure reclamation, the operator must maintain a bond. The bond must be an amount determined by DNR to be sufficient to cover the costs of reclaiming the area planned to be mined in the next 12 months plus any additional area which has not been satisfactorily reclaimed. DNR will set the amount of bond required.

Summary: The definition of surface mining is changed to exclude references to quantity of material removed. The definition refers only to the area disturbed. Top soil is added to the list of minerals excluded from the definition of surface mining.

In certain situations, the Department of Natural Resources can reduce the $250 annual operating permit fee to $50. This fee reduction is allowed when an operating permit has been issued, but the property has never been disturbed for surface mining. As long as the property is not disturbed, the permit may be maintained for $50 per year. However, in order to begin operating, the operator must pay the balance of the current $250 annual fee.

As part of the statement of proposed subsequent use, the operator must obtain signatures of all owners of a possessory interest in the property who respond to notice sent by the operator. If the recipients of the notice do not respond within 60 days, their signatures are not required.

The department must define by rule the word "segment" as used in statutes relating to reclamation of land after completion or abandonment of mining.

Votes on Final Passage:

House	96	1	
Senate	48	0	(Senate amended)
House	96	1	(House concurred)

Effective: July 26, 1987

SHB 60

C 148 L 87

By Committee on Natural Resources (originally sponsored by Representatives Haugen, Basich, S. Wilson and P. King)

Establishing processor liens for commercial fishermen.

House Committee on Natural Resources
Senate Committee on Natural Resources

Background: Agricultural producers frequently sell their products to a processor who pays the producer at a later date. The agricultural producers have protection ensuring they will receive payment through their use of a "processor's lien." The processor's lien consists of a first priority lien against the processor for the price or value of the product delivered. The processor's lien applies to certain unprocessed agricultural products. The lien attaches on the date the product is delivered and continues without filing until 20 days after payment is due.

If payment for the product is not made by the date it is due, a producer may file a lien statement with the Department of Licensing. If a lien statement is filed within the 20–day period after the payment was originally due, the lien continues its priority over all other liens except those for taxes or labor performed before the filing of the lien. If it is not filed within 20 days, the lien is subordinate to certain security interests and liens.

A processor's lien terminates six months after the date of attachment or filing, unless a suit to foreclose it is initiated before that date.

If a producer files a lien statement and subsequently receives full payment, the producer must file a statement with the Department of Licensing stating that the lien has been discharged. If the producer fails to file the statement, the producer is liable for a $100

penalty and actual damages caused by the failure to file the statement.

Producers of agricultural products may file a producers lien but the law does not extend to commercial fishermen.

Summary: Commercial fishermen are given authority to exercise a processor's lien when they deliver fish to a fish processor. This authority extends to the delivery of legally caught steelhead. In the event the processor does not pay the fisherman within 20 days after the date payment was due, the fisherman may file a statement to that effect with the Department of Licensing. A processor lien filed within 20 days after the due date of payment from the processor to the producer represents a first priority lien over all other liens and security interests, regardless of when the other lien or security interests were filed.

The processor's lien terminates six months after either the date of filing or the date of attachment, whichever is later, unless a suit to foreclose the lien has been filed.

Votes on Final Passage:

House	95	0
Senate	47	0

Effective: July 26, 1987

SHB 63

C 432 L 87

By Committee on Local Government (originally sponsored by Representatives Unsoeld, Haugen, Cooper, Madsen, Nutley, Belcher and May)

Revising provisions on lake management districts.

House Committee on Local Government
Senate Committee on Parks & Ecology

Background: Legislation was enacted in 1985 authorizing the creation of lake management districts, which are mechanisms within which special assessments are imposed on real property to finance lake improvement and maintenance programs, such as the removal of weeds.

Summary: The laws relating to lake management districts are altered:

Rates and charges can be imposed in a lake management district in addition to, or in lieu of, special assessments. The county legislative authority is granted the authority to reduce rates and charges for low income persons. Revenue bonds may be issued payable from these rates and charges. Special procedures to notify the state are provided if state property would be subject to the rates and charges.

The signature requirement to initiate the creation of a lake management district is altered from the greater of ten landowners or 25 percent of the landowners, to the owners of 15 percent or more of the acreage in the proposed district.

The voting scheme to authorize the creation of a district is altered from weighted voting based on acreage and lake front footage, to one vote for each dollar of special assessment or rate and charge proposed to be imposed on a property owner's property.

A special assessment, or rate and charge, may not be increased to an amount greater than 110 percent of the estimated amount used as the basis for voting to create the district.

It is clarified that a variety of factors, including land uses, can be used to measure benefits if special assessments are imposed.

Votes on Final Passage:

House	95	0	
Senate	48	1	(Senate amended)
House	61	35	(House concurred)

Effective: July 26, 1987

HB 66

C 139 L 87

By Representatives Rayburn, Nealey, Prince, Kremen, McLean, Fuhrman, Betrozoff, P. King, Chandler, Lewis and Doty

Lowering the business and occupation tax rate on the manufacture of barley into pearl barley.

House Committee on Agriculture & Rural Development
House Committee on Ways & Means/Revenue
Senate Committee on Agriculture

Background: State law imposes a business and occupation (B&O) tax on manufacturing activities at a rate equal to 0.484 percent of the value of the products manufactured. The rate is composed of a base rate of 0.44 percent plus a 10 percent tax surcharge. The activities that qualify as manufacturing activities for the purpose of that tax are defined broadly.

State law provides exemptions from B&O taxation for certain activities and reduced rates of taxation for others. The milling of wheat is among the activities that have been granted a reduced rate. This activity is taxed at a rate equal to 0.138 percent of the value of the product manufactured.

Summary: The business and occupation tax on the manufacturing of barley into pearl barley is set at 0.138 percent of the value of the product manufactured.

Votes on Final Passage:

House 92 4
Senate 49 0

Effective: July 26, 1987

HB 67

C 493 L 87

By Representatives Rayburn, Nealey, Prince, Kremen, McLean, C. Smith, Fuhrman, Betrozoff, Amondson, P. King, Chandler, Hargrove, Lewis and Doty

Exempting the conditioning of seed for out-of-state sales from business and occupation taxation.

House Committee on Agriculture & Rural Development
House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: State law imposes a business and occupation (B&O) tax on manufacturing activities at a rate equal to 0.484 percent of the value of the products manufactured.

The activities that qualify as manufacturing activities for the purpose of that tax are defined broadly. In 1985, the State Board of Tax Appeals upheld a determination by the Department of Revenue that the conditioning of vegetable seeds by a seed company constituted "manufacturing" for B&O tax purposes. Certain exemptions from the definition and reduced rates for certain categories of manufacturing are provided by law.

Summary: Conditioning of seed for use in planting is exempted from the definition of manufacturing for the purposes of the business and occupation tax.

Votes on Final Passage:

House 93 2
Senate 44 0

Effective: July 26, 1987

HB 68

C 123 L 87

By Representatives Rayburn, Nealey, Kremen, Bristow, Prince, P. King, Chandler, Lewis and Dellwo

Authorizing use of irrigation district business office as precinct polling place.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: In general, the board of directors of an irrigation district must designate a place within a district election precinct as the polling place for that precinct. However, in an irrigation district that is less than 200,000 acres in size and is divided into director divisions, the board may designate one place within the district to serve as the polling place for more than one election precinct.

Summary: State law governing irrigation district elections is altered. The board of directors of any irrigation district may designate the principal business office of the district as a polling place to serve one or more of the district's election precincts. The business office may be so designated regardless of whether the office is located inside or outside the boundaries of the irrigation district.

Votes on Final Passage:

House 90 0
Senate 49 0

Effective: July 26, 1987

HB 75

C 124 L 87

By Representatives Rayburn, Nealey, Kremen, Prince and Bristow

Changing the designation of the coordinating agency for the association of irrigation districts.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: The directors of irrigation districts within the state may designate a state association and reimburse the association from funds in annual district budgets for the costs of the services rendered. The reimbursements are to be on vouchers approved by the district. The vouchers must set forth the nature of the claim and must be signed by the claimant.

The state association may affiliate and cooperate with other reclamation organizations.

Summary: Irrigation districts may designate a statewide association dedicated to the promotion of irrigated agriculture and may pay dues or assessments to such an association. The association may affiliate and cooperate with other organizations.

Provisions of current laws are repealed that require payments to such an association be in the form of reimbursement vouchers signed by the claimant setting forth the nature of the claim.

Votes on Final Passage:

House	90	0
Senate	47	0

Effective: July 26, 1987

SHB 80

C 391 L 87

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Zellinsky, Locke, Winsley, Lux, Crane, Chandler, Holland, Belcher, Betrozoff, Lewis and Dellwo; by request of Attorney General)

Regulating mortgage brokers.

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

Background: Financing of mortgages has undergone dramatic change over the past 10 years. The deregulation of much of the banking industry has led to the creation of a new class of business: mortgage brokering. The other participants in mortgage lending are financial institutions and mortgage bankers. Mortgage bankers differ from mortgage brokers in two significant ways. Mortgage bankers generally provide the initial funds for a mortgage and then sell the mortgage on the secondary market. Mortgage brokers seldom use their own funds to make a loan. Instead the broker finds a lender to make the loan. Mortgage bankers also usually retain responsibility for servicing the mortgage. This entails collecting payments, assuring that property tax and insurance payments are made, and following up on past due payments. The mortgage broker seldom gets involved in servicing mortgages. Generally, once the broker has arranged for financing and the loan transaction is completed, the broker is no longer involved.

Washington state has no current statutory provisions governing mortgage brokers.

Summary: The Mortgage Broker Practices Act is established. A mortgage broker is defined as any person who for compensation makes, negotiates, or offers to make a residential real property mortgage loan. State and federal financial institutions, attorneys, real estate brokers, and mortgage brokers approved by the secondary market or the federal Department of Housing and Urban Development are exempt from the provisions of the act.

Prior to receipt of any payments from the borrower, a mortgage broker must make a full written disclosure to the borrower. The disclosure must include: a good faith estimate of the fees and costs which the borrower will be required to pay; the annual interest percentage rate, finance charge, and other details about the loan; itemized costs of any services charged to the borrower; terms and conditions of any lock-in of the interest rate; the name of the lender; and a statement that payment for third-party services will be held in trust. The name of the lender may be disclosed at the time the borrower accepts the commitment. The broker must also advise the borrower of the right to receive copies of title reports, appraisals, and audit reports if a loan is not made.

Prior to entering into a contract with a borrower or making any public solicitations, the broker must have a written agreement from a lender. The broker must place payments for third-party services into a trust account. The broker must use generally accepted accounting practices and maintain the business books and records for a period of six years.

The mortgage broker is prohibited from receiving any fee or commission until the borrower actually obtains a loan, unless otherwise permitted by the act. The broker may receive a fee of up to $300 if the borrower fails to close on a loan for which the lender has made a commitment. The broker may also charge in advance for third-party services. The broker may not earn a fee for "best efforts," markup of the fees of third-party providers, or advertise financing terms for which the broker does not have a written commitment from a lender. Mortgage brokers must comply with the federal truth-in-lending act.

If the borrower is unable to obtain a loan through the broker, the mortgage broker must give the borrower copies of any appraisal, title report, or credit report paid for by the borrower. The broker must also transmit the original documents to any other mortgage broker or lender to whom the borrower directs they be sent.

Violation of the act is a violation of the consumer protection act. Except for violation of the trust provisions, violation of the act is a misdemeanor. Violation

of the provisions requiring funds for third–party providers to be placed in trust is a class C felony.

Votes on Final Passage:

House	82	5	
Senate	48	1	(Senate amended)
House	97	0	(House concurred)

Effective: July 26, 1987

SHB 83

C 463 L 87

By Committee on Transportation (originally sponsored by Representatives Baugher, Prince, Grant, Lewis, Scott, Ballard, J. Williams, Jacobsen, S. Wilson, Lux, Basich, Patrick, Walk, Gallagher, Zellinsky, Haugen, Schmidt, Betrozoff, Day, Braddock, McMullen, Spanel, Rayburn, Holm, Heavey, Jesernig, P. King, Fisch, Taylor, Fuhrman, Ferguson, Bumgarner, McLean, Walker, D. Sommers, Schoon, May, Miller, Rasmussen, Winsley, Nealey, Silver, C. Smith and Unsoeld)

Including on a driver's record only accidents in which the driver was at fault.

House Committee on Transportation
Senate Committee on Transportation

Background: A driver who is involved in an accident that results in death or injury or $300 in property damage is required to file an accident report with the local law enforcement agency within 24 hours. Because the accident–reporting threshold for property damage is statutorily set, it does not always reflect the current inflation rate. The amount of property damage incurred was set at $25 in 1937, and was increased to $100 in 1965 and $300 in 1977.

A Driver's Collision Report must be filed with the Department of Licensing (DOL) within 180 days when an accident occurs that results in $300 in property damage and/or injury or death. If it appears there is a reasonable possibility of a judgment against an uninsured driver in a civil case, DOL sets up a financial responsibility case to determine the amount of damages and hence, the amount of security deposit that will be required of the uninsured driver.

In 1981, two separate civilian accident report forms were created to reduce the amount of paper flowing to the Washington State Patrol (WSP): (1) Investigated Report Form – If the accident is investigated, a copy of the accident report form completed by the driver and filed with the local law enforcement agency is not forwarded to the patrol; and (2) Non–Investigated Report Form – If the accident is not investigated, a copy of the accident report form completed by the driver and filed with the local law enforcement agency is forwarded to the WSP.

The use of two accident report forms has resulted in confusion. In many instances the patrol is receiving the wrong report or no report at all. Returning to the use of one civilian accident report should ensure more accurate reporting. The WSP now has an automated filing system which will enable the Records Section to deal with the increased paper flow with minimal impact.

The driver's license for a minor, under the age of 18, is distinguished by the use of the letter "M;" an adult's license (18 years of age and older) is distinguished by the letter "A." In addition, DOL uses a three–quarter profile picture to identify a person under the age of 21. The use of three age identifiers is confusing as other laws define an adult as 21 years of age and older.

Summary: The accident reporting threshold for property damage and corresponding financial responsibility threshold are each raised to $500 on October 1, 1987. Thereafter, the Washington State Patrol (WSP) and the Department of Licensing (DOL) will adjust the respective accident reporting and financial responsibility thresholds by Washington Administrative Code rule. The WSP and DOL thresholds may be revised no more often than every two years based on economic changes reflected by an inflationary index recommended by the Office of Financial Management. Revisions are guided by changes in the index from the time of the last revision. DOL's revisions are also guided by the patrol's threshold for filing accident reports. A civilian accident report may be filed by a driver when the property damage amount is less than the current threshold.

Only one civilian accident report form is provided, regardless of whether or not the accident is investigated by a law enforcement officer.

The department may use distinguishing marks to identify the driver's license of a person under the age of 21. Laws requiring the department to issue minor and adult driver's licenses are repealed.

Votes on Final Passage:

House	93	4	
Senate	45	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	37	0	
House	96	0	

Effective: July 26, 1987

HB 86

C 315 L 87

By Representatives Brough, Haugen, May, Bristow and Bumgarner

Requiring notice about local improvement district's financing of sewer or water improvements to be sent to certain additional property owners.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Local improvement districts (LID's) are mechanisms used by local governments to finance all or part of the costs of public improvements such as roads, streets, sewer lines and water lines. Special assessments are imposed upon property within a LID in relation to its benefit from being located near the improvement. Generally a public hearing is required to be held on a proposed LID. However, cities and towns are not required to hold a public hearing on a proposed LID that is initiated by petition of property owners.

A condition of purchasing a house using a Federal Housing Administration (FHA) loan is that the house be connected to a sewer system or potable water system if the sewer system or potable water system is available to the house.

Summary: Whenever it is proposed that a city, town, county, public utility district, sewer district, water district, or irrigation district create a local improvement district (LID) to finance sanitary sewers or potable water facilities, additional notice of the public hearing on the proposed LID must be mailed to the owners of property located outside of the LID that would be required to be connected to the facilities as a condition of qualifying for a Federal Housing Administration (FHA) loan.

Cities and towns would be required to hold a public hearing on a proposed LID if the LID were initiated by petition of property owners.

Votes on Final Passage:

House	97	0	
Senate	46	3	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 1987

SHB 88

PARTIAL VETO

C 414 L 87

By Committee on State Government (originally sponsored by Representatives Belcher, H. Sommers, Valle, Vekich, Cantwell, Dellwo, Hankins, Meyers, Holm, Unsoeld, Wang, Niemi, P. King, Fisch and Winsley; by request of Department of General Administration)

Revising provisions governing personal service contracts.

House Committee on State Government
Senate Committee on Governmental Operations

Background: Personal services contracting is a category of state purchasing that includes consulting contracts. There is no requirement that personal services contracts be competitively let. The authority to enter into personal services contracts is vested with each individual agency. There is no central authority responsible for procuring these contracts, except architectural and engineering contracts that are processed and negotiated through the Department of General Administration.

Personal services contracts must be filed with the Office of Financial Management (OFM) and the Legislative Budget Committee (LBC). No personal services contract may become effective for at least ten days following the date of filing. Any state officer or employee who fails to comply with the filing requirements pertaining to personal services contracts is subject to a $300 fine.

In 1986, a law was enacted requiring all state agencies to submit an annual report listing every personal services contract entered into or amended during the preceding fiscal year. In addition to this legislation, a 12-agency task force appointed by the governor met to address the following concerns: non-competitive contracting; the need for greater visibility of personal services contracts not filed with OFM or LBC; the lack of standard contracting procedures, record keeping and reporting; and the need for common definitions of terms including personal services.

Summary: Personal services contracts are defined as consultant contracts for services that provide professional and technical expertise to accomplish a specific study project, task or other work statement. It specifically excludes purchased services and specifically includes client services.

All personal services contracts must be entered into through competitive solicitation. Exceptions to this requirement include emergency contracts, sole source

contracts, contract amendments, personal services contracts of less than $10,000 and others specifically exempted by the Office of Financial Management (OFM). Contracts of $2,500 but less than $10,000 must show evidence of competition.

Emergency contracts must be filed with OFM and the Legislative Budget Committee (LBC) within three working days of the contract's execution or commencement of work under the contract, whichever comes first.

Sole source contracts must be filed with OFM and LBC 10 days before the proposed starting date of the contract. OFM must approve sole source contracts of $10,000 or more before they become binding. If an individual contractor enters into contracts with a state agency that individually are less than $10,000, but collectively are $10,000 or more during a fiscal year, any subsequent contract must be approved by OFM.

All personal services contracts entered into by the legislative branch are excluded from competitive process and filing requirements.

Penalties may be imposed against state officers and consultants for violation of requirements.

OFM will provide information to the legislative auditor on all contracts filed under this chapter for the purpose of preparing a summary report on personal service contracts.

Votes on Final Passage:

House	96	1	
Senate	44	0	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	31	0
House	97	0

Effective: July 26, 1987

Partial Veto Summary: The emergency clause is deleted. (See VETO MESSAGE)

HB 91

C 387 L 87

By Representatives H. Sommers, Hankins, Walk, Sayan, B. Williams, Holm, O'Brien and Winsley; by request of Secretary of State

Changing provisions relating to state employee incentives.

House Committee on State Government
Senate Committee on Governmental Operations

Background: In 1982, the legislature created the State Productivity Board to administer a revived Employee Suggestion Awards Program (ESP) and a newly created state employee Incentive Pay Program (IPP). The two programs are intended to effect and to reward eligible state employees for cost savings and productivity gains in state agencies. "State employees" are defined as employees in agencies of the state civil service system and the state higher education personnel system.

Under ESP, the board pays state employees whose money–saving suggestions it accepts 10 percent of the net savings to the benefitting agency, up to $10,000. Awards for approved employee suggestions under this program must be paid from the appropriated funds of the benefitting agency.

IPP allows employees in state agency work units to receive 25 percent of any savings to the state that their units may have realized.

The legislature initially intended the board to be self–supporting from agency savings. However, time lags between agency payments of awards and the realization of savings have created a cash flow problem, hampering the achievement of this goal. In 1985, the legislature enacted provisions permitting an appropriation to supplement agency savings in supporting the board's administration.

The Productivity Board is chaired by the secretary of state, and consists of three appointed persons with experience in administering employee incentives, and the directors of the Department of Personnel, the Higher Education Personnel Board and the Office of Financial Management.

The Productivity Board and its two programs are scheduled for termination on June 30, 1987.

Summary: The State Productivity Board and its programs, the Employee Suggestion Awards Program (ESP) and the Incentive Pay Program, are continued indefinitely. The Legislative Budget Committee (LBC) must perform a cost–benefit analysis of both board programs in 1990, with findings reported to appropriate legislative committees in January 1991. The Incentive Pay Program is renamed the Teamwork Incentive Pay Program.

The definition of "state employees" eligible for awards under both board programs is changed to specifically exclude the following: elected officials; directors of state agencies and institutions, and their confidential secretaries and administrative assistants; and others specifically ruled ineligible by board rules.

Agencies may pay Employee Suggestion Awards Program awards from nonappropriated funds that benefit from approved employee suggestions. After joint approval by the board and the director of the Office of Financial Management, payments of ESP awards and fees may also be drawn from the General

Fund for suggestions that generate new or additional revenue for that fund.

Existing statutory provisions are amended: the legislature must appropriate revenue from the Department of Personnel (DOP) Service Fund to pay for the board's administrative costs; revenue deposited in the DOP Service Fund may offset amounts appropriated to the board from other sources for administrative costs; and the board must review revenue transfers annually and may reduce or suspend such transfers if they are not needed to meet administrative costs.

Three new members are added to the board: the director of the Department of General Administration and two members appointed by the governor — one representing the state civil service system and one representing the higher education personnel system. The governor and the chairperson of the board are allowed jointly to make ad hoc appointments to the board. Ad hoc members of the Productivity Board shall not have the right to vote on board action.

Votes on Final Passage:

House	93	0	
Senate	48	1	(Senate amended)
House	97	0	(House concurred)

Effective: July 1, 1987
May 15, 1987 (Section 10)

HB 94

C 444 L 87

By Representative P. King

Enacting the new uniform fraudulent transfer act.

House Committee on Judiciary
Senate Committee on Judiciary

Background: The Uniform State Laws Commission promotes the standardization of laws nationwide on issues that are common to many states, such as commercial law. The commission drafted the Uniform Fraudulent Conveyances Act in 1918, which was adopted by Washington in 1945. The intent of the law is to discourage fraudulent transfers made by a debtor to harm a creditor's interest in property. The primary remedy offered by the law allows the creditor to void the transfer or attach (lien) the conveyed property.

The commission drafted a revision to the act in 1984, retitling it the Uniform Fraudulent Transfer Act to recognize its application to both personal and real property. The revised act considers changes made regarding fraudulent transfers by the Bankruptcy Reform Act of 1978. The revised act also incorporates standard business practices for perfecting security interests, as well as defining when a transfer has occurred, two areas of the prior act that have caused confusion.

Summary: The Uniform Fraudulent Transfer Act is adopted in Washington to replace the Uniform Fraudulent Conveyances Act. A fraudulent transaction is a transfer of property or an obligation incurred with the intent to hinder, delay, or defraud creditors. Transfers without adequate consideration are generally fraudulent if the debtor is or becomes insolvent, knows he cannot pay his debts, or is left with assets insufficient to conduct business. In determining fraud, the adequacy of consideration depends on whether a reasonably equivalent value is received in the transfer.

Several additional terms are specifically defined for clarity. The distinction between a matured claim and an unmatured claim of a creditor is eliminated. Both existing creditors and creditors whose interests arise subsequent to the transfer are covered by the act. Paying insider creditors, such as relatives and corporate officers, prior to paying unrelated creditors is a fraudulent transfer.

If a creditor has been harmed by a fraudulent transfer, and listed defenses do not apply, the creditor may: (1) obtain avoidance of the transfer or obligation; (2) obtain attachment of the asset transferred or other property of the transferee; or (3) obtain an injunction, appoint a receiver, or be granted other appropriate equitable remedies.

There is a statute of limitations for enforcing rights under the act. The periods of limitation are generally from one to four years, depending on the type of fraudulent transfer.

Votes on Final Passage:

House	95	0	
Senate	49	0	(Senate amended)
House	89	0	(House concurred)

Effective: July 1, 1988

SHB 95

C 321 L 87

By Committee on Commerce & Labor (originally sponsored by Representatives Wang, Patrick, Sayan, Winsley, Allen, R. King, Baugher, Sutherland, Gallagher, Fisch, Cole, Fisher, Rayburn and Unsoeld)

Requiring contractors providing newly constructed facilities for occupation by state agencies to pay prevailing wage for facility construction.

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

Background: All public works undertaken by the state or local governments in Washington must comply with the state prevailing wage law. However, if a facility is built by a private contractor who then sells or leases the facility to a government entity, the prevailing wage law does not apply to the construction of the facility.

Summary: When at least 80 percent of a new facility will be occupied by a state agency, state agencies may not cause the facility to be built by a private party unless the contractor or developer is required to comply with the state prevailing wage law. Construction projects for which competitive bids have been requested prior to the act's effective date are not included under this requirement.

Votes on Final Passage:

House	72	25	
Senate	26	22	(Senate amended)
House	71	27	(House concurred)

Effective: July 26, 1987

HB 96

C 156 L 87

By Representatives Madsen, L. Smith, Winsley, Unsoeld, Belcher, Appelwick and P. King

Revising provisions on the extension and collection of property taxes when the valuation of highly valued property is subject to an appeal.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: Administration of high property tax values that are in dispute based upon assessment often result in delays in computing tax levy rates and completion of the tax roll. The appeals on high values may take years to resolve either through the State Board of Tax Appeals or through litigation.

Summary: Any disputes or claims over values in excess of one-fourth of 1 percent of the total assessed value of the property in the county will cause the assessor to only use that portion of the total value not in controversy for setting the levy rates and tax roll. At the time the State Board of Tax Appeals has made its final determination, the proper amount of tax must be extended and collected.

The final determination of tax extended and collected will include an interest rate of 9 percent per year on the amount of final determination minus the amount not in controversy. The interest rate accrues from the date the tax was first due and payable.

Votes on Final Passage:

House	96	0
Senate	47	0

Effective: July 26, 1987

SHB 98

C 26 L 87

By Committee on Judiciary (originally sponsored by Representatives Niemi, Padden, Crane and Dellwo; by request of Washington State Military Department)

Revising state liability for injuries or damages resulting from national guard activities.

House Committee on Judiciary
Senate Committee on Judiciary

Background: In a recent case, the state of Washington was held liable for damages when a guardsman injured members of the federal armed services. The members of the armed services could be compensated under federal law, and the Washington Supreme Court held that Washington state is liable for civil damages in the same way a private individual would be held liable.

The federal government treats members of the state militia as federal employees when the national guard is engaged in training or on national duty. Under the federal tort claims act, the federal government accepts liability for the negligent acts of federal employees.

Summary: The Washington National Guard is given immunity from suit for damages for injuries caused by members of the militia when the members of the guard are considered federal employees under the federal tort claims act.

Votes on Final Passage:

House	95	0
Senate	46	0

Effective: April 6, 1987

SHB 99

C 431 L 87

By Committee on Health Care (originally sponsored by Representatives Niemi, Cantwell, Vekich, Braddock, Fisch and Brekke)

Creating the Washington state health insurance pool.

House Committee on Health Care
Senate Committee on Financial Institutions

Background: In the state of Washington, approximately 720,000 persons under the age of 65 do not

have health insurance. Three hundred and ten thousand of that number have income in excess of 200 percent of the federal poverty level. Of these, as many as 30,000 people do not have coverage because of denial for poor health or because available coverage is very expensive with restrictive exclusions for existing conditions.

The Washington Health Care Project Commission, in its report outlining recommendations for a basic health plan, recognized the need for "the creation of an insurance pool for the medically uninsurable with incomes over 200 percent of the poverty level."

Summary: A non–profit comprehensive health insurance pool is created that includes all health insurers, health care service contractors, and health maintenance organizations that do business in the state. Provisions are made to include self–funded programs in the pool, if permitted by federal law.

A board is created to develop a high risk insurance plan and submit it to the insurance commissioner for review and approval. The board will select a plan administrator through a competitive bid process.

Persons eligible for coverage under the high risk insurance plan include state residents who have been rejected for coverage or who have had related problems obtaining coverage within a six–month period prior to application.

The package of benefits must be comprehensive, including in–patient and out–patient care, drugs, nursing home care and other services.

The plan must have: (1) two deductible options of $500 and $1,000 with related caps on out–of–pocket expenses; (2) coinsurance of 20 percent of benefits provided; (3) maximum coverage of $500,000; and (4) premiums set at 150 percent of the standard group rate set for groups up to 10 persons.

Limitations, exceptions and reductions are permitted, but only if they are similar to general health insurance coverage, do not exclude specific diseases, and are approved by the insurance commissioner.

The cost of providing care beyond premiums, deductibles, and co–payments collected will be assessed among pool members on a per capita basis.

Premiums of the pool are exempt from premium taxes. Certain deductions of assessment from business and occupation taxes are allowed.

Votes on Final Passage:

House	96	0	
Senate	45	4	(Senate amended)
House	97	0	(House concurred)

Effective: May 18, 1987

HB 110

C 204 L 87

By Representatives Lewis, Armstrong, Niemi, Padden, Crane, Patrick, Holm, Baugher, Taylor, Miller, Hargrove, Rasmussen, Betrozoff and Doty

Changing provisions relating to the sale of alcohol to minors.

House Committee on Judiciary
Senate Committee on Commerce & Labor

Background: Two separate laws prohibit selling liquor to persons under the age of 21. The first of these laws (in the Domestic Relations Code) makes it a gross misdemeanor to "sell or give, or permit to be sold or given" liquor to an underage person. The maximum penalty for a gross misdemeanor is one year in jail and a $5,000 fine.

The second law (in the Liquor Control Code) makes it unlawful for any person to "give or otherwise supply" liquor to an underage person, or to "permit" an underage person to "consume liquor on his premises or on any premises under his control." The second law also has exceptions to its general prohibitions. Parents or guardians are allowed to supply their children with liquor for "beverage or medicinal purposes," and physicians are also allowed to "administer" alcohol to underage persons. The penalties for violating this second law vary depending on who the offender is (i.e., individual or corporation, private person or liquor licensee, or first–time or repeat offender). In many instances the maximum penalties that could be assessed under this law are different from those that could be applied under the first law.

When two different laws make the same behavior unlawful, but each describes a different penalty for that same behavior, courts have declared the laws unconstitutional because they afford a prosecutor impermissible discretion in deciding under which of the two laws a person is to be charged.

Summary: The provisions in the Domestic Relations Code dealing with supplying underage persons with liquor are eliminated.

Votes on Final Passage:

House	94	1
Senate	44	0

Effective: July 26, 1987

SHB 116

C 354 L 87

By Committee on Local Government (originally sponsored by Representatives Nutley, Allen, Haugen, May, Ferguson, Bristow, Rayburn and Brough)

Modifying procedures for vacation and alteration of subdivisions, binding site plans and surveying divisions of land.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Every division of property for purposes of sale, lease, or transfer of ownership, where the smallest lot is less than five acres, must be reviewed and approved by the county, city or town within which it is located. A county, city or town may increase the size of the smallest lot to be created by a division of property that is subject to its review and approval or rejection.

A short subdivision is the division of property that results in four or fewer lots, while a subdivision is the division of property that results in five or more lots. A city or town may increase the maximum number of lots resulting from a short subdivision up to nine lots. A plat is a map of a subdivision, while a short plat is a map of a short subdivision. The review and approval of a proposed subdivision is a two–step process, involving preliminary plat approval and final plat approval, that includes public notice and the holding of public hearings. The review and approval of a proposed short subdivision is a one–step process, involving the administrative approval of the short plat, with no public notice being made and no public hearing being held.

Subdivisions are required to be surveyed, while the local short subdivision ordinance may require short subdivisions to be surveyed.

A county, city or town may adopt an ordinance subjecting proposed divisions of property to a binding site plan procedure in lieu of the subdivision or short subdivision procedure, if the division is for any or all of the following purposes: (1) sale or lease for industrial or commercial uses; (2) lease for placing mobile homes or travel trailers; or (3) condominiums.

Laws prescribe separate processes for the: (1) vacation of lots, streets, commons, or public squares located in towns or in unincorporated towns; (2) vacation of roads; (3) vacation of streets; (4) alteration of townsites, additions, city plats or plats; and (5) revision of subdivisions or short subdivisions.

Summary: The binding site plan procedure, that is an option for approving divisions of property under certain circumstances, is more fully described. A binding site plan may be administratively approved. The number of lots created under a binding site plan process may not exceed the number of lots allowed by applicable zoning ordinances.

This optional procedure for industrial or commercial divisions is only allowed on land that is zoned for industrial or commercial users, and must provide that after approval of the general binding site plan, the approval of improvements and finalization of specific individual lots will be done by administrative approval.

A boundary line adjustment between platted or unplatted lots, or both, is exempt from the subdivision and short subdivision process.

The existing laws on vacating and altering lots, plats and townsites are repealed and replaced with new provisions.

The process for vacating a subdivision is: (1) a petition is filed that has been signed by all parties having an ownership interest in the land, requesting the vacation and giving the reasons; (2) the legislative authority of the county, city or town holds a public hearing on the proposal; and (3) the legislative authority determines the public use and interest in the proposal may grant or deny the vacation. Title to the vacated property vests with the rightful owners as shown on the county records, but if a public area is vacated, title to the area vests with the owners of the property on each side of it as determined by the county, city or town legislative authority.

The process for altering a subdivision is: (1) a petition is filed, that has been signed by at least both three–quarters of the owners and the owners of three–quarters of the area, requesting the alteration; (2) the legislative authority holds a public hearing on the proposal; and (3) the legislative authority determines the public use and interest in the proposal and may approve or deny the petition. The petitioner must prepare and file a revised final plat or short plat if the alteration were approved. If the area were located in an assessment district, the outstanding assessments are equitably divided among the remaining lots. If the area contains a dedication to the general use of residents, the dedicated land is divided among the adjacent properties as determined by the county, city or town legislative authority.

If the vacation or alteration involves property that is subject to restrictive covenants that were filed at the time of the vacation or alteration, the application must contain an agreement signed by all parties subject to the covenants agreeing to terminate or alter the covenants.

A hearing on a vacation or alteration may be held by a hearings examiner.

The requirement is deleted that counties, cities and towns adopt ordinances providing for the revision or short subdivisions.

An ordinance requiring a survey of a short plat must require that the survey be completed and filed with the application for approval of the short subdivision.

Whenever a survey of a proposed subdivision or short subdivision reveals a discrepancy, the discrepancy is to be noted on the final plat or short plat. Any such discrepancy must be disclosed on a title report prepared by a title insurer and issued after the filing of the final plat or short plat.

Votes on Final Passage:

House	89	0	
Senate	44	0	(Senate amended)
House			(House insisted)
Free Conference Committee			
Senate	47	0	
House	96	0	

Effective: July 26, 1987

SHB 124

C 110 L 87

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Cole, Armstrong, Fisher, Crane, Leonard, Betrozoff, Pruitt, Fisch, Rust, Miller and P. King)

Standardizing ballot order rotation of all candidates.

House Committee on Constitution, Elections & Ethics
Senate Committee on Governmental Operations

Background: In 1986, legislation was enacted which established a procedure for determining by lot the order in which the names of candidates for partisan office, for the office of Superintendent of Public Instruction, and for most judicial offices would appear on sample and absentee ballots in primaries. The names of candidates for the office of district court judge were expressly excluded from the procedure. The legislation also referred to provisions of state law requiring the rotation of the order of the names of candidates for judicial offices on the ballots appearing at polling places in primaries. The names of candidates for the office of district court judge were also excluded from those references.

In a 1978 opinion, the state's attorney general indicated that many of the laws specifying the placement of names of candidates for judicial and other nonpartisan offices on ballots do not apply to the office of district court judge.

Summary: The names of candidates for district court judge must be rotated in each precinct in primaries in the manner specified by law for other judicial offices. The order of those names on sample ballots and on absentee ballots in primaries must be determined by lot. On the general election ballot and on absentee and sample ballots for the general election, the name of the candidate who receives the greatest number of votes for the position at the primary will be listed first followed by the name of the candidate who receives the next greatest number of votes.

Votes on Final Passage:

House	93	0
Senate	44	0

Effective: July 26, 1987

SHB 129

PARTIAL VETO

C 512 L 87

By Committee on Human Services (originally sponsored by Representatives Brekke, Brooks, Leonard, Lewis, Crane, Scott, Moyer, Holm, P. King, Rayburn, Dellwo and Brough)

Adopting the omnibus credentialing act for counselors.

House Committee on Human Services
House Committee on Ways & Means/Appropriations
Senate Committee on Human Services & Corrections

Background: Counseling disciplines, theories and techniques are employed in Washington state under many different titles. There is no state regulatory mechanism for providing information to assist the public in making informed consumer decisions when selecting counselors, or to protect consumers from unethical or deceptive counseling practices that may be destructive to their mental or emotional health. Serious charges of abuse in the counseling field, including sexual conduct with clients, have been reported by the media and public.

In addition, there are no state-recognized competency standards for qualifications, education, training and experience that must be met by social workers, mental health counselors, and marriage and family therapists.

Summary: The Omnibus Credentialing Act for Counselors is established. All persons practicing counseling

for a fee are required to register with the Department of Licensing, giving their name and business location. Exemptions from registration are provided for: 1) professions already regulated by the state; 2) federal employees; 3) students and trainees of higher education institutions; 4) counselors practicing under the auspices of a religious church, denomination or organization; 5) persons practicing without mandatory charge; 6) public and private non–profit organizations or charities not primarily engaged in counseling; 7) research scientists for private corporations and public agencies; and 8) out–of–state counselors providing up to 10 days per quarter of training.

Qualified individuals may apply for certification to practice counseling using the title "certified social worker," "certified mental health counselor," or "certified marriage and family therapist." Qualifications for certification as a social worker include a master's degree, with two years of supervised practice and successful passage of an examination. Mental health counselor certification requires a master's degree, with two years of postgraduate experience and successful completion of an examination. Qualifications for marriage and family therapist certification include a master's degree, one year of supervised practice, two years of postgraduate supervised practice, and successful completion of an examination.

To further the purposes of the act, the director of the department is authorized to appoint advisory committees.

All persons registered and certified as counselors under the act are subject to the procedures and unprofessional conduct provisions of the Uniform Disciplinary Act for the health professions. They are required to disclose to clients information about their: qualifications, therapeutic orientation, proposed course of counseling and financial arrangements. The disclosure must include a statement that registration does not include a recognition of any practice standards. The director of the Department of Licensing may not determine any training or competence standards for those registering as counselors.

Disclosure of information acquired from a client during a counseling session is prohibited, except: 1) with the client's consent; 2) where involving harm or a crime; 3) during court proceedings involving a minor as a victim of a crime; 4) in charges against the counselor; 5) in response to a subpoena; or 6) when reporting abuse and neglect of children or adult dependent persons.

Counselors registered and certified under the act are required to report incidences of abuse and neglect of children, elderly citizens or developmentally disabled persons.

Votes on Final Passage:

House	81	14	
Senate	29	20	(Senate amended)
House	74	24	(House concurred)

Effective: July 26, 1987

Partial Veto Summary: The requirement that registered counselors and certified social workers, mental health counselors, and marriage and family therapists report incidents of child or adult dependent person abuse or neglect under RCW 26.44.030 is vetoed. (See VETO MESSAGE)

SHB 130

C 254 L 87

By Committee on Transportation (originally sponsored by Representatives Vekich, Fisch and Zellinsky)

Authorizing procedures for collection of airport use fees.

House Committee on Transportation
Senate Committee on Transportation

Background: The remedies of an airport owner or operator to collect delinquent airport charges or force the removal of aircraft which are the subject of delinquent airport charges, are governed by provisions of the rental contract or the general law concerning abandoned property.

There is some question whether airports operating under the joint operating authority laws may act as their own treasurer.

Summary: Airport operators are authorized to adopt regulations allowing authorized airport employees to secure an aircraft within the airport facility for failure to pay airport charges. These procedures may be used if the charges are at least 60 days delinquent. At the time the aircraft is secured, two notices must be attached to the aircraft and a copy of the notice must be sent to the aircraft owner (defined as the legal owner, registered owner and any lienholders of record with the Federal Aviation Administration) by both registered mail, return receipt requested and first class mail. The notice shall contain the following information: the date and time the notice was attached to the aircraft; a reasonable description of the aircraft; the identity of the authorized employee; the amount owing; a statement that if the account is not paid in full within 180 days, the plane may be sold at public auction; the time and place of such a sale; and a

statement of the owner's right to commence legal proceedings and how to obtain release of the aircraft pending resolution of the matter.

If the account is not paid within 180 days, the aircraft is conclusively presumed to be abandoned and may be sold at public auction. At least 20 days prior to the sale, a notice must be mailed to the owner by both registered mail, return receipt requested and first class mail, giving details of the sale. In addition, notice of sale must be published in a newspaper of general circulation in the county in which the airport is located. The proceeds of any such sale are first applied to the airport charges owed. The balance, if any, is paid to the Department of Revenue to be held in trust for the owner. If no valid claim is made for the excess within one year of the date of sale, the balance is to be deposited in the state Search and Rescue Account. If there is more than one owner or if there are lienholders on the title and a claim for the funds is made, the department is required to deposit the funds into a court of competent jurisdiction.

The regulations must be adopted pursuant to the Administrative Procedures Act if the airport is operated or owned by a state agency, or by resolution of the proper legislative authority if the airport is owned or operated by a unit of local government. In addition, the regulations must be included in any written contract and must be posted at the airport manager's office.

Joint operating authority airports may act as their own treasurer under certain circumstances.

Votes on Final Passage:

House	94	0	
Senate	47	1	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 1987

SHB 134

PARTIAL VETO

C 412 L 87

By Committee on Health Care (originally sponsored by Representatives Day, Lewis, Brooks, Bumgarner, Lux, P. King and Dellwo)

Certifying radiological technologists.

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

Background: The practice of radiological technology is not regulated by the state of Washington. There are no state–recognized standards for practice. Radiological technology involves the handling of x–ray equipment in the process of applying radiation to a human being for diagnostic and therapeutic purposes.

Summary: A practitioner of radiologic technology must be certified to represent him or herself to the public as a radiologic technologist. The titles "certified radiologic technologist," "certified radiologic therapy technologist," "certified radiologic diagnostic technologist" and "certified nuclear medicine technologist" may be used only by those who qualify and become certified by the Department of Licensing under the act.

Exemptions from certification are provided for other practitioners licensed by the state, United States government employees, radiologic technology students enrolled in approved schools and unlicensed personnel supervised by licensed dentists, chiropractors and podiatrists.

The director of the department is authorized to adopt rules, set certification fees, establish forms, approve schools and alternative training programs, issue certificates, hire staff and act as the disciplinary authority pursuant to the Uniform Disciplinary Act.

The State Radiologic Technology Advisory Committee is established, composed of seven members appointed by the director for four–year terms. The members include three radiologic technologists, two persons unaffiliated with the profession to represent the public and two radiologists certified by medical radiology boards. The director, committee members and department staff are granted immunity from liability in any civil action based on certification or other official acts performed in the course of their duties.

The director, in consultation with the board, must establish procedures for approval of schools and alternative training for applicants of certification and must set renewal fees.

Certified radiologic technicians are subject to the procedures and unprofessional conduct provisions of the Uniform Disciplinary Act for the health professions.

The act is scheduled for sunset review and termination on June 30, 1990, and repeal on June 30, 1991, unless reauthorized.

Votes on Final Passage:

House	93	0	
Senate	47	1	(Senate amended)
House	98	0	(House concurred)

Effective: October 1, 1987

Partial Veto Summary: The section providing for exemptions from voluntary certification is vetoed. (See VETO MESSAGE)

HB 135

PARTIAL VETO

C 389 L 87

By Representatives H. Sommers, Hankins, Sayan, Ballard, P. King and Fuhrman; by request of Washington State Library

Changing provisions relating to the Western Library Network.

House Committee on State Government
Senate Committee on Governmental Operations

Background: In 1976, the legislature authorized the implementation of the Western Library Network Computer System (WLN). WLN has two major components: a resource sharing network for libraries and a multi-state computer service. WLN operates as a major division of the Washington State Library under the auspices of the Washington State Library Commission. It is financed through a revolving fund and is self-supporting and nonprofit.

In addition to providing services to user libraries, WLN has also experienced a successful software leasing program, primarily to foreign governments. This unique function presents a problem for WLN operating as a state agency, in that Washington's Open Public Meeting Act and constitutional spending restrictions pose obstacles to expanding the competitive aspect of this program.

Under present law, the Data Processing Authority is required to approve WLN's pricing policies.

For several years, discussion has continued over whether WLN should remain as a division of a state agency, the Washington State Library, or whether it should take the status of a public nonprofit corporation. In 1984, the Legislative Budget Committee (LBC) conducted a sunset review and recommended that WLN change its governance structure to a public nonprofit corporation. Legislation adopted in 1985 did not make the change in governance but did extend the sunset review to 1987, giving additional time to study a nonprofit corporation structure.

The 1987 LBC sunset review report recommends that efforts continue to achieve a change to a different governance structure. It further recommends that: (1) WLN be extended indefinitely; (2) the Data Processing Authority be removed from involvement in setting WLN's user fee policies; (3) the library commission and its advisory bodies of action in their discussions on WLN pricing, products, equipment, and services that could affect WLN's competitive position be exempted from the state's Open Public Meeting Act; and (4) all key management positions in WLN be exempted from civil service.

Summary: The Western Library Network (WLN) is continued indefinitely, and five of its top management positions are exempted from classified civil service. The Data Processing Authority is no longer required to approve WLN pricing policies.

Consideration of matters related to equipment, prices, and services of WLN, in meetings held by the Washington State Library Commission and its advisory bodies, is exempt from the Open Public Meetings Act.

Votes on Final Passage:

House	93	0	
Senate	49	0	(Senate amended)
House			(House insisted)
Free Conference Committee			
Senate	47	0	
House	96	0	

Effective: June 30, 1987

Partial Veto Summary: Provisions removing the Data Processing Authority's approval of the WLN's pricing policies are vetoed. These provisions are contained in 2SSB 5555 which was signed into law. (See VETO MESSAGE)

HB 136

C 114 L 87

By Representatives Spanel, S. Wilson, Cole, P. King, Lewis and Fuhrman; by request of Department of Game

Providing more flexibility in game commission meeting dates.

House Committee on Natural Resources
Senate Committee on Natural Resources

Background: The six-member Game Commission makes major policy decisions and appoints the director of the Game Department. It also sets hunting and fishing seasons, establishes the rules which the department enforces and sets procedures the department follows.

By law, the commission must meet at least four times per year in public meetings. The meetings must occur in the first ten days of each calendar quarter.

Summary: The requirement that the Game Commission meet within the first ten days of each calendar quarter is changed to require meetings once during the first two months of each quarter.

Votes on Final Passage:

House	95	0
Senate	49	0

Effective: July 26, 1987

SHB 138

C 231 L 87

By Committee on Ways & Means (originally sponsored by Representatives Ebersole, Betrozoff, Grimm, Rasmussen, R. King, P. King, Rayburn, L. Smith, Grant, Wang and Miller; by request of Commission for Vocational Education)

Permitting a two-year tuition waiver under the Washington award for vocational excellence.

House Committee on Education
House Committee on Ways & Means
Senate Committee on Education

Background: In 1984, the legislature created the Washington Award for Vocational Excellence (WAVE). Each year, three students from each legislative district are recognized for outstanding achievement in their vocational education program. The recipients are awarded a one-year tuition and fee waiver to be used at a community college or state college or university. The award is made to students graduating from high school or completing a vocational program at a community college or vocational-technical institute.

Another award program, the Washington Scholars Award, authorizes recipients to receive a two-year tuition and fee waiver if they maintain a grade point average of at least 3.50. In contrast to the WAVE program, this tuition and fee waiver may be used to complete the recipient's training and is not made at the completion of his or her education program.

Summary: Recipients of the Washington Award for Vocational Excellence (WAVE) will receive a two-year tuition and fee waiver. The waiver is for undergraduate study only. To receive the second year tuition and fee waiver, the recipient must achieve a grade point average of at least 3.00 or above. The eligibility to receive the award is expanded to include any student who has finished one year of a vocational program at a community college or vocational-technical institute, as well as graduating high school students. However, of the three recipients in each legislative district, at least two must be graduating high school students.

Votes on Final Passage:

House	96	0
Senate	45	1

Effective: July 26, 1987
January 1, 1988 (Section 3)

HB 142

C 152 L 87

By Representatives Armstrong, Padden, Locke and Crane; by request of Attorney General

Clarifying the attorney general's authority to use presuit investigative powers in consumer complaints where the violation may ultimately be prosecuted under federal consumer protection law.

House Committee on Judiciary
Senate Committee on Judiciary

Background: The attorney general is authorized to investigate possible violations of laws that protect consumers. The attorney general may demand production of documents, answers to written interrogatories, or oral testimony from any person who the attorney general believes may have knowledge of or be in possession of information relevant to an investigation.

The state attorney general may bring actions under some federal laws, especially laws relating to antitrust actions. State law is silent regarding whether the attorney general can use information which was gathered in an investigation originally focused on violation of state law, but which is subsequently of potential use in an action under federal law.

Summary: The attorney general's office is authorized to use its investigative powers for violations of federal laws that deal with matters similar to those prohibited by the state consumer protection laws. The attorney general may bring an action in federal court or state court using the material from its investigations.

Votes on Final Passage:

House	96	0
Senate	49	0

Effective: July 26, 1987

HB 146

PARTIAL VETO

C 338 L 87

By Representatives Lux, Winsley, Nutley, Chandler, Day, P. King, Dellwo and Zellinsky

Revising provisions relating to credit unions.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

Background: In 1984, the legislature rewrote the Credit Union Code. Among the changes were provisions: updating the grant of authority to Washington state credit unions to engage in lending and investment activities that the federal government allows federally chartered credit unions; requiring credit unions to hold annual meetings within 90 days of the end of the fiscal year; limiting personal loans to a term of no greater than 12 years if not secured by real estate and to a term no greater than 15 years if secured by real estate; limiting mobile home loans to a term of not greater than 20 years; and requiring that any account a credit union has in another financial institution not exceed the amount insured by the federal government.

Summary: Several changes are made to the 1984 Credit Union Code Revision. The provisions granting state chartered credit unions the authority to engage in activities permitted federal credit unions is updated.

Credit unions are no longer required to meet within 90 days of the end of the fiscal year but must meet at least annually.

Credit union members may not vote by mail on issues presented at a special meeting unless the issue concerns the merger of the credit union.

The treasurer of the credit union does not have to be a member of the board of directors of the credit union.

Credit unions are granted a lien on the account(s) of any member who owes the credit union money.

The loan maturity time limits for personal loans and mobile home loans are repealed.

The requirement that credit union accounts with other financial institutions be fully insured is repealed.

Credit union authority to make loans to organizations owned by the credit union is increased to an additional 1 percent of the credit union's total paid–in and unimpaired capital and surplus.

Votes on Final Passage:

House	93	0
Senate	49	0

Effective: July 26, 1987

Partial Veto Summary: Provisions are vetoed granting credit unions a lien on accounts owned by persons owing money to the credit unions. (See VETO MESSAGE)

SHB 147

C 130 L 87

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Lux, Winsley, Nutley, Chandler, Day, P. King, Dellwo and Zellinsky)

Revising provisions relating to credit insurance.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

Background: Credit life insurance is usually sold on a group basis by a lender and provides that in the event that the borrower dies, any remaining indebtedness will be cancelled. In most instances, credit life insurance is optional with the borrower. If the borrower chooses to purchase the coverage, an additional fee is charged to the loan account. In some instances, the coverage is provided without charge to the borrower; the lender pays for the coverage to protect itself from the risk of default on the loan.

In 1961, the legislature adopted an act regulating the credit life insurance business. The original act limited the sale of coverage to loans with a term of no more than five years and in an amount no greater than $10,000. That limit was periodically increased, and in 1983, the legislature removed the dollar limit and left only a limit on the term of the loan eligible for coverage – ten years.

Summary: The ten–year coverage limit on group life coverage is repealed; group coverage may be provided for a period greater than ten years.

Votes on Final Passage:

House	93	0
Senate	45	0

Effective: July 26, 1987

HB 148

C 111 L 87

By Representatives R. King, Patrick, Wang, P. King, Fisch, Dellwo and Valle; by request of Office of Financial Management

Implementing the uniform business identification system among state agencies.

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

Background: In 1977, the Master License Service was established in Washington to provide a one–stop licensing service to state businesses. A Business Licensing Center, administered by the Department of Licensing, was created in Olympia.

During 1986, Governor Gardner appointed a task team from among representatives of several state agencies to review the one–stop licensing process and develop a plan for expanding these services into the community. Using the Unified Business Identifier (UBI) concept, this team's goal was to provide streamlined and efficient services through one–stop business registration, consolidated business reporting, and agency–shared collection and payable procedures.

To prepare for a consolidated business reporting and collection system, the UBI task team reviewed the enforcement and collection procedures of the Department of Revenue, the Department of Labor and Industries and the Employment Security Department. The statutory procedures were found to differ in many respects among the agencies.

Summary: The Employment Security Department, the Department of Labor and Industries and the Department of Revenue are directed to examine the feasibility of establishing unified business reporting and compliance requirements and make recommendations to the legislature by January 1, 1988.

The following changes are made in the enforcement provisions for the Employment Security Department:

(1) The $10 penalty for employers who fail to file a timely and complete report is made a minimum penalty;

(2) Late payment penalties are increased from 4 to 5 percent of the amount of contributions for the first month of delinquency, from 9 to 10 percent for the second month and from 19 to 20 percent for the third month, with the minimum penalty increased from $2 to $10;

(3) The ceiling of 24 percent on interest charges for delinquent contributions is removed;

(4) Service of a notice of assessment on a delinquent employer may be made by certified mail at the employer's last known address;

(5) The commissioner's authority to issue a notice to withhold and deliver property is extended to include overpayment assessments and is made continuous from the date of the notice until the liability is satisfied or becomes unenforceable; and

(6) The appeal period for employers receiving a notice of assessment is extended from 10 to 30 days.

The following changes are made in the enforcement provisions for the Department of Labor and Industries:

(1) An action by the department against an employer who files no report or a fraudulent report may be brought at any time and is not subject to the three–year statute of limitations for other actions brought by the department;

(2) Penalties on delinquent premiums are changed from 5, 10 and 20 percent of the amount of the premium at the end of specified time periods to 5 percent for the first month of delinquency, 10 percent for the second month and a total penalty of 20 percent for the third month; and

(3) A contractor, when applying for contractor registration, is permitted to use a unified business identifier number in place of the registration numbers assigned by the Department of Labor and Industries, the Department of Revenue and the Employment Security Department.

Votes on Final Passage:

House	96	0
Senate	44	0

Effective: July 1, 1987

SHB 153

C 206 L 87

By Committee on Human Services (originally sponsored by Representatives Brekke, Winsley, Sutherland, H. Sommers, Leonard, Jacobsen, Moyer, Scott, Padden, R. King, Patrick, Lewis, Wang, Sanders, Miller and Brough; by request of Department of Social and Health Services)

Requiring reports of abuse of developmentally disabled persons.

House Committee on Human Services
Senate Committee on Human Services & Corrections

Background: In 1984, legislation was enacted requiring specified persons to report episodes of abuse and neglect of children and persons with developmental disabilities to the Department of Social and Health

Services or law enforcement agencies. In 1985, the reporting was expanded to include abuse and neglect of adult dependent persons, such as mentally ill and senile persons. The term "developmentally disabled person" was deleted and replaced with "adult dependent persons," meaning persons who have been or could be determined to need a court–appointed guardian.

However, most developmentally disabled persons have not been determined to need a guardian. Because they do not come within the statutory definition of "adult dependent person," developmentally disabled persons are inadvertently excluded from the reporting requirements.

Summary: It is clarified that the requirement for reporting abuse and neglect of children and adult dependent persons includes developmentally disabled persons. Gender–related corrections are made.

Votes on Final Passage:

House	90	0
Senate	45	0

Effective: July 26, 1987

SHB 154

C 238 L 87

By Committee on Transportation (originally sponsored by Representatives Spanel, D. Sommers, Cooper, Doty, Betrozoff and Rayburn; by request of Washington State Patrol)

Designating hazardous materials coordinating agencies.

House Committee on Transportation
Senate Committee on Transportation

Background: In 1982, legislation was enacted defining the procedures to be followed for designating hazardous materials coordinating agencies. The intent was to promote and encourage advanced planning, cooperation, and mutual assistance between applicable political subdivisions and persons with the equipment, personnel and expertise in handling hazardous material incidents. Limitations were established on the liability an individual, corporation or association could incur for properly responding to an incident ("Good Samaritan Law").

Political subdivisions were required to designate an incident command agency. The Washington State Patrol (WSP) assumed the role of command agency along state and interstate highway corridors unless, through mutual agreement, the role was assumed by another designated incident command agency. If a political subdivision did not designate an incident coordinating agency within six months from enactment, the WSP assumed the role until such time as the designation was made.

In 1984, the law was amended in an attempt to eliminate jurisdictional confusion. The patrol's authority to assume the command role was removed, and the designation of an incident command agency by a political subdivision was made discretionary. Concerns have since been raised regarding the potential problems which could occur by not assigning a group to handle hazardous material incidents in the remote areas of the state.

No public agency is immune from liability when acting in good faith in its capacity as a designated incident command agency, or when responding to a request for assistance from another incident command agency. The written agreement forms executed prior to or at the scene of an incident deny immunity to a public employee acting in his or her official capacity at the scene of an incident.

Summary: The 1982 language regarding the designation of a hazardous materials incident command agency is restored: (1) Political subdivisions are required to designate an incident command agency; and (2) If a political subdivision does not designate a command agency within six months from enactment, the Washington State Patrol assumes the role until such time as a designation is made. In political subdivisions where an incident command agency has been designated, the patrol will continue to respond and provide assistance to the incident commander.

The criteria for immunity from liability under the "Good Samaritan Law" is broadened to include: (1) an incident command agency when acting in the good faith performance of its duties, and (2) a public agency when properly responding to a request for assistance from an incident command agency, if a written agreement prior to or at the scene of the incident is executed between the parties. Consistent with the expanded immunity provisions, language in the written agreements executed prior to or at the scene of the incident denying a public employee immunity from liability when acting in his or her official duty is removed.

Votes on Final Passage:

House	96	0
Senate	39	0

Effective: July 26, 1987

HB 161

C 454 L 87

By Representatives Fisher, Winsley, Walk, Ebersole, Jacobsen, Belcher, Holm, Valle, Cole, Brekke, Leonard, Rasmussen, Bumgarner, Ferguson, May, Grimm and Wang

Requiring motorcycle helmets.

House Committee on Transportation
Senate Committee on Transportation

Background: Washington's mandatory helmet law was enacted in 1967 and repealed in 1977. Since that time there has been considerable support in the medical community for re–institution of the helmet requirement, particularly since the recent enactment of the mandatory child restraint and seat belt laws. It is generally accepted that impact–tested helmets reduce the risk of injury in a majority of cases.

According to the Traffic Safety Commission's 1985 Traffic Collisions report, motorcycle fatal collisions decreased 7.1 percent, when compared to the previous four–year (1981–84) baseline average. Total reported collisions, however, increased 6.5 percent and injury collisions increased 5.9 percent over the baseline average. Motorcycle registrations decreased 4.8 percent in 1985. The 1985 collision rate for every 100 vehicles registered was up 11.9 percent (2.95) when compared to the baseline rate of 2.64 collisions for every 100 motorcycles registered.

Eight states, including Washington, have no mandatory helmet requirement. Nineteen states require all riders to wear helmets; 23 states have a minimum age requirement, usually under the age of 18. The only western state that requires all riders to wear a helmet is Nevada. California has a mandatory helmet law for riders under 15 and one–half years of age.

Summary: Washington's mandatory use of motorcycle helmets is reinstituted for motorcycle operators and passengers under the age of 18. Helmets are required only when the motorcycle is operated upon a state highway, county road or city street. The wearing of a helmet is not mandatory when the vehicle is operated on an off–road facility, such as private property, or an ORV trail. The helmet must be of a type approved by the Commission on Equipment and be equipped with a neck or chin strap that is fastened when the cycle is in motion.

It is illegal to transport a child under the age of five on a motorcycle. An attorney general's opinion concluded that transportation of a child under the age of five on a motorcycle is prohibited under the child restraint law because a motorcycle cannot be equipped with a child restraint or seat belt system. The law states that all children less than five years of age must be in a child restraint or seat belt system when being transported by the parent or legal guardian in his or her own vehicle.

The initial motorcycle endorsement, new category and renewal fees are each increased by $2 and the increased revenues are deposited in the Motorcycle Safety Education Account.

The five–member Motorcycle Safety Education Advisory Committee is renamed a board and membership is modified. Three members are to be active motorcycle riders or members of nonprofit motorcycle organizations, one is to be a Washington State Patrol motorcycle officer, and one is to be a member of the public. Members are appointed by the director of the Department of Licensing (DOL) to two–year terms.

The board is to develop a voluntary motorcycle education program based on specific priorities such as public awareness, safety education, classroom and on–cycle training, and operator testing. The board is to submit a proposed education training program to DOL and the Legislative Transportation Committee by January 1, 1988.

Votes on Final Passage:

House	69	28	
Senate	36	9	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	31	9	
House	85	12	

Effective: July 26, 1987

2SHB 163

C 307 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Jacobsen, Ebersole, Appelwick, Brekke, Heavey, Dellwo, Pruitt, Cole, Fisher, Armstrong, O'Brien, H. Sommers, Niemi, Rust, Locke, Nelson, Valle and Winsley)

Compensating school district boards of directors.

House Committee on Education
House Committee on Ways & Means/Appropriations
Senate Committee on Education

Background: School board members do not receive financial compensation in the form of per diem or salary for their service, but they are reimbursed for expenses.

Summary: To assure that persons of all financial circumstances have the opportunity to serve as a school board member, each school board member of a district is eligible to receive up to $50 per diem for attending board meetings and performing other duties for the school district. The per diem for each board member may not exceed $4,800 per year. A resolution authorizing receipt of compensation by members of the board of directors of a school district must be adopted by the school board in a regularly scheduled meeting of the school board. The compensation will be paid from locally collected excess levy funds.

A member may waive receipt of per diem on a monthly basis. A waiver of receipt of per diem does not waive receipt of compensation for expenses.

Votes on Final Passage:

House	61	35	
Senate	25	18	(Senate amended)
House	60	38	(House concurred)

Effective: September 1, 1987

2SHB 164

PARTIAL VETO

C 513 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Locke, Niemi, Allen, Fisch, Brekke, O'Brien, Nutley, Belcher, Wang, Jacobsen, Lux, Nelson and Dellwo)

Providing funding for the Washington housing trust fund.

House Committee on Housing
House Committee on Ways & Means/Appropriations
Senate Committee on Commerce & Labor

Background: The Washington Housing Trust Fund was created in 1985 to assist in meeting the basic housing needs of low-income persons, persons in rural areas and persons with special housing needs. The Department of Community Development was authorized to develop rules for the award and distribution of funds through the Housing Trust Fund. The Housing Trust Fund was not funded.

Current law requires real estate brokers to keep client funds in a separate non-interest bearing broker earnest money trust account prior to closing of a real estate sale or transaction. These accounts must be maintained in a recognized Washington state depository authorized to receive funds and kept separate from the broker's funds. The broker is required to deposit all client funds no later than the first banking day following receipt.

The state Real Estate Commission is required to place funds received from each real estate license fee and each renewal fee from a broker or salesperson in the Real Estate Commission Fund. One-half of the fees in the Real Estate Commission Fund may be held and used for the sole purpose of inspecting the books, records and operations of the brokers, associate brokers and salespersons.

Summary: Funding for the Washington Housing Trust Fund is provided from interest earned on nominal or short term deposits in the Broker Earnest Money Trust Account.

A nominal or short term deposit is defined as an account that would not produce a positive net interest income minus reasonable transaction fees of the financial institution.

All real estate brokers are required to deposit client funds in a separate broker earnest money trust account prior to the closing of a real estate sale or transaction. These accounts must be interest-bearing and accessible for immediate withdrawals or transfers. Property management accounts are exempt from this requirement.

All nominal or short term deposits are deposited into a pooled interest-bearing account. Interest from the pooled nominal or short term deposits is submitted, at least quarterly, to the state treasurer for deposit in the Housing Trust Fund and the Real Estate Commission Fund. Interest from deposits in the Broker Earnest Money Trust Account that are not defined as nominal or short term is paid to the client.

The state treasurer must divide the revenue received from the Broker Earnest Money Trust Account so that the Housing Trust Fund receives 75 percent and the Real Estate Commission Account receives 25 percent.

A low-income housing assistance advisory committee is appointed to advise the director of the Department of Community Development on housing needs and program operation. The committee is comprised of representatives from apartment owners, realtors, mortgage lenders or servicing institutions, private nonprofit housing assistance programs, tenant associations and public housing assistance groups.

The Broker's Trust Account Board is created as part of the Housing Trust Fund. The board consists of seven members, six appointed by the governor and one appointed by the Real Estate Commission. Three of the members appointed by the governor must be real estate brokers or salespersons and the other three members must represent private nonprofit housing

assistance programs and a statewide association of public housing authorities.

The board will review loan and grant applications for funding through the Housing Trust Fund presented by the director of the Department of Community Development. The board's approval authority is limited to eligible activities of the Housing Trust Fund and to the amount of revenue provided through the interest on broker earnest money trust accounts. The board also serves in an advisory capacity to the Real Estate Commission with regard to licensee education programs.

The Department of Community Development will consider funding recommendations from counties and cities affected by decisions to fund projects through the Housing Trust Fund. The department cannot fund applications for housing–related social service activities through the Housing Trust Fund.

The department will prepare annual reports on the income, grants and operating expenses of the Housing Trust Fund. The reports are submitted to the legislature.

The Department of Community Development is authorized to expend funds transferred to the Housing Trust Fund Account. The expenditures from the account by the department cannot exceed $12 million for the two–year period ending June 30, 1989.

Votes on Final Passage:

House	51	43	
Senate	39	10	(Senate amended)
House	81	12	(House concurred)

Effective: January 1, 1988

Partial Veto Summary: Sections that included language to specifically target trust funds toward the homeless, required that technical assistance relate directly to construction or rehabilitation of units and eliminated the use of trust funds as a match for social services directly related to providing housing for special need tenants in assisted projects are vetoed. The veto also removed the October 1, 1988 effective date for public corporations. (See VETO MESSAGE)

SHB 168

C 325 L 87

By Committee on Local Government (originally sponsored by Representatives Madsen, Brough, Haugen, May, Unsoeld, Sayan, Grant, Nutley, L. Smith, Ferguson, Holm, Todd, Belcher, Basich, Hargrove, Spanel, Leonard, Cooper and Hine)

Revising provisions on fire protection district service charges.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Fire protection districts are authorized to finance their activities by the imposition of: (1) a variety of property tax levies; and (2) service charges on personal property and improvements to real property located in the district that benefit or will benefit from the fire protection provided by the district. Service charges may only be imposed for a three–year period if a ballot proposition authorizing the service charges were approved by a 60 percent majority vote of the district voters. Service charges cannot generate more than 60 percent of a fire district's budget. Public property, religious property and public and private schools and institutions of higher education are exempted from these service charges. No fire district has attempted to impose these service charges.

Summary: The service charges that a fire protection district may impose are changed.

The benefit by which a service charge is apportioned relates to the services provided by the district instead of just the fire protection provided by the district.

Examples of how a service charge may be measured are expanded, including the need for specialized services.

The exemption from service charges for religious property does not include property used for business operations or profit–making enterprises or activities. The exemption includes the sanctuary; facilities for kindergarten, primary and secondary educational purposes; and institutions of higher education.

The exemption from these service charges is removed for any private kindergarten, primary or secondary schools and institutions of higher education that are not associated with a religion.

If a fire district imposes service charges, it cannot impose the third 50 cents per $1,000 of assessed valuation property tax.

Votes on Final Passage:

House	91	3	
Senate	47	2	(Senate amended)
House	95	2	(House concurred)

Effective: July 26, 1987

SHB 170

C 380 L 87

By Committee on Natural Resources (originally sponsored by Representatives Meyers, Sutherland, S. Wilson, Haugen, Amondson, Cole, Basich, Belcher, Dellwo, McMullen, Appelwick, Fisch, Heavey, Ballard, Locke, R. King, Jesernig, P. King and Hine)

Permitting violation of rules governing the state's natural resources to be infractions.

House Committee on Natural Resources
Senate Committee on Natural Resources

Background: Violations of laws and regulations in Washington fall into one of five categories: civil violations, infractions, misdemeanors, gross misdemeanors and felonies. Misdemeanors, gross misdemeanors and felonies are criminal offenses that may involve imprisonment. Civil offenses involve no imprisonment, but may involve monetary penalties and orders requiring or prohibiting certain actions by the offender. Several years ago, the legislature decriminalized many former traffic crimes by making them "infractions." Traffic infractions themselves involve only civil penalties, but a failure to respond, e.g. pay the penalty, becomes a crime.

Summary: Four natural resource agencies — the Parks and Recreation Commission and the Departments of Game, Fisheries, and Natural Resources — may, by rule, determine that violations of rules administered under their authority represent infractions rather than criminal violations.

Administrative procedures are established. When an individual is issued an infraction, he or she may: 1) pay the monetary penalty established, 2) request a hearing to explain any mitigating circumstances, or 3) request a hearing to contest the notice of infraction. Failure to sign the infraction notice, or to appear at either the hearing to explain mitigating circumstances or to contest the infraction, is a misdemeanor.

At a hearing to contest an infraction, the state must prove by a preponderance of the evidence that the infraction was committed. The decision of a contested infraction may be appealed. Monetary penalties may not exceed $500. No jail sentences may be imposed.

Votes on Final Passage:

House	96	0	
Senate	47	0	(Senate amended)
Senate	45	0	(Senate receded)

Effective: January 1, 1988

HB 171

PARTIAL VETO

C 407 L 87

By Representatives Sayan, Jacobsen, Grant, Sprenkle, Todd and Basich

Requiring governmental entities contracting to community college services to pay authorized salary increases.

House Committee on Higher Education
Senate Committee on Education

Background: State law authorizes community college governing boards to offer educational services on a contractual basis to private or governmental organizations. The contracts must be consistent with rules adopted by the State Board for Community College Education. The contracts may be based on a special fee which is not determined by statutory tuition and fee rates. The fee will go to the participating district and must not be less than the full instructional cost of providing the service.

State law does not permit community college trustees to serve as elected officers or members of the legislative authority of municipal corporations.

Summary: When community college districts provide educational services on a contractual basis, the fees charged for those services must include any salary increases authorized by the legislature for community college employees during the term of the agreements.

A statutory prohibition against members of community college boards of trustees serving either as elected officers or members of the legislative authority of municipal corporations is removed.

Votes on Final Passage:

House	96	0	
Senate	42	6	(Senate amended)
House	93	0	(House concurred)

Effective: July 26, 1987

Partial Veto Summary: A section is vetoed that removes a statutory prohibition against members of community college boards of trustees serving either as elected officers of or members of the legislative authority of municipal corporations. (See VETO MESSAGE)

SHB 186

C 120 L 87

By Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Nutley, May, Hine, L. Smith, Zellinsky, Braddock and Crane)

Increasing city and town labor limits and public bidding requirements.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: First–class cities and code cities with a population of 20,000 or more may construct public works projects with their own day labor forces if the project is of a value of $10,000 or less, or $15,000 or less for water mains. All public works projects in excess of these amounts must be put out to contract. Any public works project within these limits may be put out to contract. First–class city public works projects on their electrical generating or distribution systems are not subject to these restrictions.

Second–class cities, third–class cities, towns and code cities with a population of less than 20,000 may construct public works projects with their own labor forces if the project is of a value of $15,000 or less. All public works projects in excess of this value must be put out to contract. Any public works project within this limit may be put out to contract.

Second–class cities, third–class cities, towns and code cities with a population of less than 20,000 may make purchases of $2,000 or less without using competitive bidding procedures. Purchases of between $2,000 and $4,000 may be made using a modified competitive bidding procedure with prices solicited by telephone or in writing. Purchases of $4,000 or more must be made through a formal competitive bidding procedure.

Summary: First–class cities and code cities with a population over 20,000 may construct public works projects in any budget period of up to 10 percent of the total public works construction budget. If a city has public works performed by its day labor forces in excess of the permitted amount, the excess is reduced from the amount permitted in the next budget period. If the city is still in excess after two years, 20 percent of the motor vehicle fuel tax distributions to the city are withheld until the amount of public works performed by city day labor forces has been adequately reduced.

First–class cities and code cities with a population of over 150,000 are restricted further in that a single public works project performed by city forces may not be in excess of $50,000 in value if the project involves more than a single trade or craft, nor in excess of $25,000 if the project involves a single trade or craft or involves street lighting or signalization.

First–class cities with a population of 150,000 and under, and code cities with a population of from 20,000 to 150,000 are restricted further in that a single public works project performed by city forces may not be in excess of $35,000 in value if the project involves more than a single trade or craft, nor in excess of $20,000 if the project involves a single trade or craft or involves street lighting or signalization.

These restrictions do not apply to first–class city public works projects on their electrical generating or distribution systems.

All other cities and towns have their existing single project day labor limit increased from $15,000 to $30,000 if the project involves more than a single trade or craft, and to $20,000 if the project involves a single trade or craft or involves street lighting or signalization.

Cities and towns are not permitted to divide public works projects to avoid the single project limitations. The allocation of public works projects to be performed by city or town employees is not subject to collective bargaining.

First–class cities and code cities in excess of 20,000 population must prepare a report annually for the state auditor on their public works construction budget, the value of public works performed by their employees, and the amount over or under the 10 percent limitation.

The state auditor is required to prescribe a standard form to account for separate public works projects by any local governmental entity that are performed by public employees.

Second–class cities, third–class cities, towns and code cities under 20,000 population have their purchase bid limits increased, so that they: (1) can make purchases of $7,500 and under without competitive bidding; (2) can make purchases of from $7,500 to $15,000 with a modified competitive bidding; and (3) must use formal competitive bidding for purchases over $15,000.

Votes on Final Passage:

House	68	26
Senate	45	4

Effective: July 26, 1987

HB 187

C 151 L 87

By Representatives McMullen, R. King, Patrick and Dellwo; by request of Board of Industrial Insurance Appeals

Changing provisions relating to introduction of evidence in appeals of orders of the department of labor and industries which allege fraud.

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

Background: In an appeal before the Board of Industrial Insurance Appeals, the party bringing the appeal must present its case first and establish at least a prima facie right to the relief sought. But when the case involves fraud, the courts have held that the Department of Labor and Industries must first introduce the evidence that supports the fraud claim.

Summary: In an appeal to the Board of Industrial Insurance Appeals from an order of the Department of Labor and Industries that alleges fraud, the department or the self–insured employer must initially introduce all evidence of the fraud in its case.

Votes on Final Passage:

House	95	0
Senate	48	0

Effective: July 26, 1987

SHB 188

C 161 L 87

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Fisher, Barnes, Pruitt and Unsoeld; by request of Secretary of State)

Specifying the time for filing initiatives and referendums.

House Committee on Constitution, Elections & Ethics
Senate Committee on Governmental Operations

Background: The state's constitution establishes deadlines for the filing of petitions for initiative or referendum measures with the secretary of state. The constitution permits the legislature to enact legislation to facilitate its provisions regarding such measures. State laws identify the maximum period within which the petitions may be circulated for signatures before being filed with the secretary.

State law also requires certain state officers, such as the secretary of state, to keep their offices open for the transaction of business from 8:00 a.m. to 5:00 p.m. of each business day from Monday through Friday except on state legal holidays. Such offices may be closed on Saturday.

Summary: A proposed initiative or referendum measure may be filed no earlier than the opening of the secretary of state's office for business on the first day filings are permitted. An initiative or referendum petition must be filed not later than the close of business on the last business day in the period specified for submitting signatures. If a filing deadline falls on a Saturday, the office of the secretary of state shall be open on that Saturday from 8:00 a.m. to 5:00 p.m.

Votes on Final Passage:

House	98	0
Senate	43	0

Effective: April 23, 1987

HB 194

C 203 L 87

By Representatives Madsen, Ebersole, Haugen, Winsley, Wang, Walker, Walk, Fisher, Gallagher, Brough, Crane, Grimm, Pruitt, Meyers, Rasmussen and Todd

Changing provision relating to designation of metropolitan park district treasurers.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Metropolitan park districts are authorized to be created in certain areas to finance and provide park and recreation improvements and services. The Tacoma Metropolitan Park District is the only metropolitan park district in the state.

The county treasurer does not receive extra compensation for handling the funds of a metropolitan park district.

Summary: The county treasurer of the county within which all, or the major portion, of a metropolitan park district is located is the ex–officio treasurer of the metropolitan park district.

However, the park board of a metropolitan park district may designate someone other than the county treasurer to act as the district treasurer if the park board has received approval of the county treasurer to designate this person. The board must purchase a bond from a surety company operating in the state that is sufficient to protect the district from loss.

Votes on Final Passage:

House	90	0
Senate	46	0

Effective: July 26, 1987

2SHB 196

PARTIAL VETO

C 388 L 87

By Committee on Transportation (originally sponsored by Representatives Armstrong, Patrick, Dellwo, Padden, Wang, Holm, P. King and Bumgarner)

Revising laws against driving without a license.

House Committee on Judiciary
House Committee on Transportation
Senate Committee on Judiciary

Background: A person who drives with a suspended or revoked driver's license or without required insurance or bond may be charged with a gross misdemeanor. A considerable number of people in the state continue to drive after their driver's licenses have been revoked or suspended.

Summary: Provisions are made for the marking of vehicle license plates on the cars of persons arrested for driving without a driver's license. If a person is arrested for driving with a suspended or revoked driver's license or for not having required insurance or bond, and the arresting officer determines that the driver is the registered owner of the vehicle, the officer will mark the vehicle plates and serve a notice of the intent of the Department of Licensing (DOL) to cancel the vehicle plates. The marked plates will be valid for 60 days or until a hearing before DOL, whichever occurs first.

Marked license plates provide authority for a police officer to stop the vehicle. Such a stop may be only for the purpose of determining whether the driver is properly licensed.

A driver who wishes to challenge the cancellation of his or her vehicle's license must file a request for a hearing within 15 days of receiving the notice of cancellation.

Upon receiving notice from the arresting officer, the department must review its records. If the arrested driver's license is suspended or revoked and the driver is the registered owner of the vehicle, the department will cancel the registration of the vehicle until the driver regains his or her driver's license.

If the driver requests a hearing, DOL must hold the hearing within 60 days of the driver's arrest and give the driver at least 20 days prior notice. The hearing is held in the county of arrest.

If, after the hearing, the cancellation is sustained, the driver may appeal to the superior court. The appeal must be filed within ten days of receipt by the driver of the department's final order. An appeal does not stay cancellation of the vehicle registration. The prevailing party on the appeal may be awarded the actual costs of preparing and transmitting the record.

It is made a crime for a person knowingly to allow the use of his or her car by a driver without a license.

The Department of Licensing is directed to report to the legislature by January 1, 1991 on the effectiveness of the act.

The act expires on July 1, 1993.

Votes on Final Passage:

House	91	4	
Senate	46	3	(Senate amended)
House	93	5	(House concurred)

Effective: July 26, 1987
July 1, 1988 (Sections 1–8)
January 1, 1990 (Section 9)

Partial Veto Summary: The partial veto corrects a technical amendment that would have produced a temporary gap in the coverage of the law against driving without a license. (See VETO MESSAGE)

HB 197

C 168 L 87

By Representatives Madsen, Taylor, Sprenkle, Holland, Sayan and Winsley; by request of Department of Revenue

Clarifying adjustments in the state property tax levy.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: Collection and disbursement of delinquent taxes on the state's property tax levy is ambiguous. Currently, the number of years allowed (seven) is not consistent with the number of years allowed (five) for foreclosure. Additionally, if county assessors collect more money in the state levy than the amount certified for collection, it is unclear what should be done with the "surplus." Also, the law is unclear as to what role the county treasurer should play in adjustments to the state levy.

Summary: The current seven–year allowance for payment of delinquent state property taxes is reduced to five, making it consistent with the foreclosure laws. County assessors are required to pay any "surpluses"

collected on the state levy to the state in accordance with an attorney general's opinion. The county treasurer is responsible for corrections and any adjustments to the tax roll.

Votes on Final Passage:

House	96	0
Senate	47	0

Effective: July 26, 1987

SHB 198

C 245 L 87

By Committee on Ways & Means/Revenue (originally sponsored by Representatives Sayan and Madsen; by request of Department of Revenue)

Providing for retail sales tax trust fund accountability.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: The Department of Revenue estimates that the state is losing $6 million per biennium in sales taxes which are collected by businesses, but not remitted to the state. The department does not have legal authority to determine personal liability for unremitted sales taxes.

Summary: Procedures for collecting unremitted sales taxes owing from businesses are altered. In the event of a termination of a business, any officer or individual having a proprietary interest in the corporation will be personally liable for state and local sales tax funds that have not been remitted to the state within ten days of the business termination date.

Votes on Final Passage:

House	91	2	
Senate	28	21	(Senate amended)
House	97	1	(House concurred)

Effective: May 1, 1987

HB 199

C 166 L 87

By Representatives Sayan, Taylor, Sprenkle and Holland; by request of Department of Revenue

Modifying timber excise tax administrative provisions.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: Timber harvesters whose tax liability is less than $10 in any calendar quarter are exempt from paying the timber excise tax. The Department of Revenue estimates that it takes approximately $50 to open and process a new taxpayer account.

Additionally, small harvesters of specialty wood products (cedar shakes, fenceposts, etc.) who harvest from private land are not permitted to use the small harvester reporting option which allows payment of tax based on the actual amount paid for stumpage instead of the Department of Revenue's published stumpage rate schedules. Small harvesters of specialty wood products from public lands are allowed to exercise this option. A small harvester is defined as one who harvests 500,000 board feet or less during any calendar quarter and 1,000,000 or less during any calendar year.

Summary: The threshold tax liability for paying the timber excise tax is increased from $10 to $50 in any calendar quarter. Small harvesters of specialty wood products on private lands are included in the definition of a small harvester.

Votes on Final Passage:

House	96	0
Senate	47	0

Effective: July 26, 1987

HB 200

C 207 L 87

By Representative Madsen; by request of Department of Revenue

Clarifying the public utility tax on sewerage collection businesses.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: In 1985, sewerage collection businesses were made subject to the public utility tax. The Department of Revenue in its implementing regulations defined sewerage collection to include collection, treatment and disposal. In 1986, the Joint Administrative Rules Review Committee found that this interpretation did not reflect legislative intent and should not include treatment and disposal. Subsequently, the department changed its ruling to exclude treatment and disposal, and indicated that the law should be clarified to reflect legislative intent.

Summary: The costs of treatment and disposal of sewerage is not included in the base upon which the public utility tax liability is calculated.

Votes on Final Passage:
House 96 0
Senate 47 0

Effective: July 26, 1987

HB 203

C 208 L 87

By Representative Madsen; by request of Department of Revenue

Authorizing service by certified mail, return receipt requested, of notices to withhold and deliver property due or owned by a taxpayer.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: The "Notice and Order to Withhold and Deliver" is a document routinely used by the Department of Revenue's Compliance Section to enforce payment on judgment liens. At present, this notice must be personally served by the sheriff of the county in which the service is to occur or by an authorized representative of the department. This results in travel costs for the department when service must be made to a person, bank, employer or creditor of the delinquent taxpayer.

The department has interpreted existing law to include a "continuing effect" to attach further funds owed to the taxpayer until officially released from delinquent taxes.

Summary: Service of a "Notice and Order to Withhold and Deliver" via certified mail with return receipt requested is authorized as an alternative to personal service. The "continuing effect" of this service is confirmed.

Votes on Final Passage:
House 96 0
Senate 47 0

Effective: July 26, 1987

HB 204

C 27 L 87

By Representatives Sprenkle, Taylor, Sayan and Holland; by request of Department of Revenue

Clarifying the taxation of tangible personal property used both inside and outside of the state.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: Various exemptions from use taxation are provided for property not acquired in Washington and used temporarily by nonresidents. Items acquired outside of Washington by Washington residents are subject to use taxation, and any use or sales taxes paid to other jurisdictions are deductible.

Summary: Jurisdictions outside of Washington are defined as a state of the United States, any political subdivision of the United States, the District of Columbia, any foreign country or political subdivision of a foreign country.

Votes on Final Passage:
House 96 0
Senate 48 0

Effective: July 26, 1987

HB 205

C 153 L 87

By Representative Madsen; by request of Department of Revenue

Transferring assessment authority for motor vehicle transportation companies to county assessors.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: The Department of Revenue currently assesses motor vehicle freight and passenger carriers for property tax purposes. This was valid when a franchise value could be established for such companies in addition to the value of their operating property. Since these companies are no longer regulated as to routes served, franchise values can no longer be established. Assessment of the real property of motor vehicle carriers could be transferred to county assessors, thus freeing department staff for other property tax valuation projects.

Summary: Motor vehicle transportation companies are removed from the list of companies assessed by the Department of Revenue, thereby returning their property tax assessment to the county assessor.

Votes on Final Passage:
House 96 0
Senate 46 0

Effective: July 26, 1987

HB 209

C 496 L 87

By Representatives Appelwick, Taylor, Sayan and Holland; by request of Department of Revenue

Expanding enforcement provisions on cigarette taxes.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: The Department of Revenue is responsible for investigation and enforcement of cigarette tax violations and for seizure of contraband cigarettes. The department has encountered enforcement problems.

Cigarette wholesalers and retailers are allowed compensation for purchasing and affixing stamps to cigarettes at the rate of 2 percent of the first mill, 1 percent of the next mill, and one–half of 1 percent of the next one–half mill.

Summary: Criminal penalties based upon the volume of seized contraband cigarettes are imposed. Procedures are altered and updated to conform with current guidelines on search and seizure, to provide consistency and uniformity with federal tax laws on bootlegging of cigarettes and to provide for forfeiture of vehicles and other personal property used to transport or conceal contraband goods.

In addition, cigarette wholesalers and retailers are allowed compensation at the rate of $4 per 1,000 cigarette stamps purchased and affixed.

Votes on Final Passage:

House	96	0	
Senate	48	0	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 1987

SHB 217

C 363 L 87

By Committee on Judiciary (originally sponsored by Representatives Armstrong, Patrick, Hine, Lewis, Locke, Scott, P. King, Wang, Ferguson, Niemi, Ballard and Crane)

Revising various provisions affecting superior courts.

House Committee on Judiciary
Senate Committee on Judiciary

Background: State law requires superior courts and court clerks to perform administrative duties in the course of performing their judicial function. Three of these duties are:

(1) overseeing the settlements of estates, including filing and maintaining documentation on the expenses paid by the personal representative. Records of those expenses must be kept for six years;

(2) keeping a record of the daily proceedings of the court and recording all verdicts and other decisions after the judge has signed them; and

(3) maintaining a trust fund for a litigant or for other purposes. Other purposes could include child support payments required to go through the court. Extensive use of trust funds for these support payments would increase recordkeeping for the court clerks and could delay the support payment.

The administrator for the courts, under the supervision of the chief justice of the state supreme court, is given several responsibilities by law to assist in the efficient running of the courts throughout the state.

Summary: Changes are made in the duties of the superior court clerk.

The period of time that the clerk must keep records on expenses paid by the personal representative in the settlement of an estate is until the completion of the probate and the discharge of the personal representative.

Superior courts are authorized to follow local court rules regarding the recording of daily court proceedings and entering of verdicts and other decisions. The requirement that all these decisions be signed by a judge is removed.

A superior court clerk is allowed to send child support payments directly to the recipient rather than depositing the check in the court's trust fund. The court clerk may require that support payments made to the court be certified funds or cash. In all cases, the clerk must require certified funds or cash from a person for five years after one of his or her checks is returned to the court due to insufficient funds.

The administrator for the courts is required to examine the need for new superior and district court judges based on a weighted caseload analysis. This analysis compares the workload of different judges and courts. The results of the examination are to be reviewed by the board for judicial administration and the judicial council, who will then make recommendations to the legislature. It is the legislature's intent to have a weighted caseload analysis be the basis for creating additional district court positions in the future.

Votes on Final Passage:

House	94	1	
Senate	44	0	(Senate amended)
House	97	1	(House concurred)

Effective: July 26, 1987

HB 220

C 484 L 87

By Representatives R. King, McMullen, Winsley, Appelwick, Jacobsen, Allen, Crane, P. King, Sayan, Niemi, Fisher, Fisch and Lux

Extending collective bargaining provisions to printers at the University of Washington.

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

Background: In 1985, the printing craft employees at the University of Washington Department of Printing were exempted by the legislature from the Higher Education Personnel Law. These exempt employees are not covered by any collective bargaining law.

Summary: The provisions of the Public Employees' Collective Bargaining Act are made applicable to the printing craft employees in the Department of Printing at the University of Washington.

Votes on Final Passage:

House	84	13
Senate	26	23

Effective: July 26, 1987

2SHB 221

C 304 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Lux, Barnes, Belcher, Unsoeld, Nealey, Jacobsen, Day, B. Williams, May, Schoon, Pruitt, Ferguson, Fuhrman, Doty, Madsen, Betrozoff, Dellwo, Amondson, Moyer, Miller, Chandler, Brough, Todd and Silver)

Providing access for hearing impaired to telecommunications devices.

House Committee on Energy & Utilities
House Committee on Ways & Means/Appropriations
Senate Committee on Energy & Utilities

Background: There are approximately 7,000 deaf people in the state of Washington, and several hundred thousand who can be classified as hearing impaired. The legislature has generally mandated that there be access to all public facilities for those who are handicapped or hearing impaired. Deaf, hearing impaired and deaf–blind individuals do not now have equal access to state services. Telephone access for the deaf and deaf–blind community can be provided through equipment known as telecommunications devices for the deaf. This equipment is more costly than the normal telephone, but makes it possible for a deaf person to communicate with the outside world. Fourteen states have already enacted programs that provide for the distribution of telecommunications devices for the deaf.

Summary: The Department of Social and Health Services, Office of Deaf Services, will provide telecommunications devices for the deaf (TDDs) to citizens who are certified as hearing impaired.

The office will appoint the TDD Advisory Committee. The committee will determine the feasibility of implementing a statewide relay system. A statewide relay system enables a hearing person to call a non-hearing person, and vice versa, via a third party operator who translates the message. In addition, the TDD Advisory Committee will determine the number of hearing impaired people who have party lines and the cost of converting to single lines. The findings will be reported to the Utilities and Transportation Commission (UTC). The TDD Advisory Committee will establish criteria for distribution of TDDs to statewide organizations representing the deaf. The committee will also monitor the activities of the program, and establish policies and procedures regarding responsibility for and portability of TDDs.

The Office of Deaf Services in conjunction with the UTC will establish a TDD excise tax not to exceed 10 cents per month per subscriber access line to fund the program. The expected cost is approximately 7 cents per subscriber line. The act expires June 30, 1990.

Votes on Final Passage:

House	98	0	
Senate	47	1	(Senate amended)
House	96	0	(House concurred)

Effective: July 26, 1987

SHB 226

FULL VETO

By Committee on Commerce & Labor (originally sponsored by Representatives Lux, Ebersole and McMullen)

Authorizing collective bargaining for judicial employees.

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

Background: The Public Employees Collective Bargaining Act covers all municipal and county employees, with limited exceptions. The Washington State

Supreme Court has found, however, that certain employees who are employees of the superior courts, but who are paid by the county, are only covered under the collective bargaining act with respect to bargaining over wages. The court determined that the judicial branch was the employer for purposes of hiring, firing and working conditions.

In a 1986 decision, the Public Employment Relations Commission applied the court's reasoning to district court employees. Relying on the court's pronouncements that the operation of the courts is a matter of state concern rather than local concern, the commission held that district court employees are "state employees" for personnel matters other than wages. Therefore, these employees are entitled to collectively bargain with the county employer only over wages and wage–related matters. The commission did not find a requirement for district court judges to collectively bargain over other personnel matters.

County officers and employees of certain counties may be paid twice monthly, no later than the fifth and the twentieth of the month for services rendered from the sixteenth to the last day of the previous month and the first to the fifteenth day, respectively.

Summary: A statement of legislative intent is provided. The purpose of the act is to clear up the confusion over collective bargaining for court employees stemming from the Washington State Supreme Court case of Zylstra v. Piva (1975).

Any collective bargaining agreement executed pursuant to the Public Employees Collective Bargaining Act applies to each officer and manager, whether elected, appointed or judicial, who is the executive head of the bargaining unit. The term "public employer" is amended to include judges as public employers.

Authority is granted for certain counties to change the payday for county employees and officers to not later than the last day of the month for services rendered from the first to the fifteenth day of the month and not later than the fifteenth day of the following month for services rendered from the sixteenth to the last day of the month.

Votes on Final Passage:

House	82	9	
Senate	41	8	(Senate amended)
House	83	11	(House concurred)

FULL VETO: (See VETO MESSAGE)

SHB 231

C 394 L 87

By Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Nealey and Todd; by request of Department of Ecology)

Changing provisions relating to water well construction, reconstruction, and abandonment.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: State law regulating the construction of water wells and those who construct such wells is administered by the Department of Ecology. With certain exceptions, no person may engage in the construction of a water well by contract nor may a person be employed by a contractor to operate or supervise the operation of water well construction equipment without a license issued by the department. A person who performs labor or services under the supervision and control of a licensed operator is exempted from licensure requirements. For constructing water wells, licensees are exempt from the requirement of law that contractors be registered with the Department of Labor and Industries.

A person who violates certain provisions of the state's water pollution control statutes is subject to a penalty of up to $10,000 per day. The penalty is imposed by a written notice from the department and, upon request, the department may remit or mitigate the penalty. The penalty is appealable to the Pollution Control Hearings Board.

Summary: The Department of Ecology may levy a civil penalty of up to $100 per day for a violation of the state's water well construction laws or the rules or orders of the department under those laws. The procedures of law governing the levying and review of penalties under the state's water pollution control laws apply to this civil penalty as well. A copy of a notice that is sent to a water well contractor or construction operator regarding an improperly constructed well must be sent by the department to the owner of the well.

Water well contractors must notify the department of their intent to begin construction, reconstruction, or abandonment procedures at least 72 hours in advance of commencing work. The notice must be submitted on forms provided by the department. Rules of the department will provide for prior telephone notification by well drillers in exceptional situations.

A person seeking a water well construction operator's license must, in addition to other requirements of law, have at least two years of field experience with a licensed well driller or one year of field experience and the equivalent of at least one school year of qualifying educational training.

A provision of law is repealed exempting water well licensees from registering with the Department of Labor and Industries.

Votes on Final Passage:
House 96 0
Senate 31 15

Effective: July 26, 1987

SHB 232
C 125 L 87

By Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn and Nealey; by request of Department of Ecology)

Prohibiting the relinquishment of water rights attached to lands enrolled in certain federal conservation reserve programs.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: One of the elements of state water law is commonly known as the "use it or lose it" principle. To maintain a water right, a person must exercise the right for a beneficial use. If the person abandons the water right or fails to use it beneficially for five successive years, the person relinquishes the water right and the right reverts to the state.

Exempted from these provisions requiring the relinquishment of a water right is a failure to use the right for certain "sufficient causes" listed by law. One such exemption is provided for a failure to use a water right which results from federal laws imposing land or water use restrictions.

Summary: State law is amended which exempts a failure to use the right resulting from federal laws imposing land or water use restrictions, from the requirement that a water right be relinquished for nonuse. The exemption includes a failure to use the water right resulting from the application of those federal laws either directly or through the voluntary enrollment of a landowner in a federal program implementing those laws.

Votes on Final Passage:
House 98 0
Senate 46 0

Effective: July 26, 1987

HB 235
C 144 L 87

By Representatives Fisch, Jacobsen, Dellwo, Hargrove, Haugen, Niemi, Fisher, Ebersole, Basich, Belcher, Cole, Jesernig, Lewis, Walker, R. King, Braddock, Lux, P. King, Bumgarner, Unsoeld and Miller

Legalizing the possession of drugs prescribed by out-of-state physicians.

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

Background: To dispense a legend drug to a patient in Washington state, the pharmacist must have a prescription written by a health practitioner licensed in Washington or in a bordering state. Legend drugs are those drugs that cannot be dispensed by a pharmacist without a prescription.

Summary: Physicians and osteopathic physicians licensed in any state of the United States are authorized to write prescriptions for drugs that may be dispensed to patients in the state of Washington. However, it is unlawful to fill prescriptions written by out-of-state physicians if the prescription is more than six months old.

Votes on Final Passage:
House 97 0
Senate 49 0

Effective: April 22, 1987

SHB 237
C 214 L 87

By Committee on Health Care (originally sponsored by Representatives Cantwell, Brooks, Braddock, Ballard, Scott, P. King, Kremen and Unsoeld; by request of Department of Social and Health Services)

Changing provisions relating to emergency medical services.

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

Background: Since 1973, the state has defined and controlled the development and implementation of emergency medical services (EMS). The law has

undergone only minor revisions in the last 13 years. During this period, the EMS program has expanded in definition and complexity, both at the state and federal level. The Department of Social and Health Services has proposed revisions to reflect the existing EMS programs in the state.

Summary: The respective roles and responsibilities of the local medicine program director, the Department of Social and Health Services (DSHS), the local emergency medical services (EMS) council and the regional emergency medical services council are clarified.

The training requirements for emergency medical technicians and advanced first aid responders are deleted to allow for easier compliance with national standards. Greater flexibility for considering variances is permitted provided that public health is not affected.

The periodic ambulance inspection requirement is replaced with a self–inspection program, with on–site inspection as necessary.

Medical protocols between emergency medical services staff and physicians are clarified.

Additional changes are made to reflect existing emergency medical services concepts.

The existing immunity from liability provided to emergency medical services staff is extended to poison center personnel.

Votes on Final Passage:

House	88	1	
Senate	49	0	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 1987

SHB 238

C 239 L 87

By Committee on Local Government (originally sponsored by Representatives Cooper, Allen, Rust, Haugen, Nutley, Unsoeld and Lux)

Requiring the utilities and transportation commission to enforce compliance with comprehensive solid waste management plans for garbage collection companies operating outside of cities and towns.

House Committee on Local Government
Senate Committee on Parks & Ecology

Background: State law authorizes the Utilities and Transportation Commission (UTC) to franchise, regulate and supervise garbage and refuse collection companies in the state that operate outside of a city or town. Cities and towns can collect garbage with their own employees or contract with a garbage and refuse collection company for such collection, neither of which is subject to UTC regulation.

State law requires every county to adopt a comprehensive solid waste management plan. Solid waste disposal sites and facilities must be located and maintained in accordance with the applicable comprehensive plan.

Summary: The standards by which the Utilities and Transportation Commission (UTC) regulates garbage and refuse collection companies operating in the unincorporated areas of the county includes reviewing compliance with the applicable comprehensive solid waste management plan through letters of compliance submitted by the county legislative authority.

The county legislative authority is permitted to periodically comment in writing to the UTC concerning its perception of the adequacy of the service being provided by the collection company in unincorporated areas of the county, and to forward letters it receives concerning such service.

Votes on Final Passage:

House	93	0	
Senate	45	4	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 1987

SHB 244

C 299 L 87

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Madsen, Walker, Fisch, May, Holm, Brough and Todd)

Exempting employment applications and employees' and volunteers' names and addresses from public disclosure.

House Committee on Constitution, Elections & Ethics
Senate Committee on Judiciary

Background: The motor vehicle code permits the Department of Licensing, a county auditor, or another agency to notify the owner of a motor vehicle that the disclosure of his or her address has been requested by someone other than a person who routinely makes such requests in the normal course of the person's business or occupation.

Summary: The Department of Licensing, a county auditor, or another agency that has disclosed the name and address of the owner of a motor vehicle to a person who has requested the information must notify the

owner that such a request has been honored and provide the name and address of the person requesting the disclosure. This provision does not apply if the request is made by a person who routinely requests such information for use in the normal course of the person's business or occupation.

Votes on Final Passage:

House	92	0	
Senate	48	0	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 1987

HB 248

C 173 L 87

By Representatives Patrick, Gallagher, D. Sommers, Zellinsky, Walk, C. Smith, Schmidt, Prince, B. Williams, Hankins, Haugen, Day, Kremen, L. Smith, Moyer and Miller

Increasing state patrol retirement allowances of certain surviving spouses.

House Committee on Transportation
Senate Committee on Ways & Means

Background: The current minimum retirement allowance under the Washington State Patrol Retirement System is $10 per month for each year of service credit.

There are 11 surviving spouses who began receiving State Patrol retirement allowances before January 1, 1970. These persons range in age from 62 to 91 years, with an average age of 74.9 years.

Current monthly retirement allowances for these surviving spouses range from $235.78 to $516.97, with an average of $340.90 per month.

Summary: The minimum retirement allowance for beneficiaries under the Washington State Patrol Retirement System is increased from $10 to $13 per month for each year of service credit.

The minimum retirement benefit is increased to $23 per month for each year of service credit for those surviving spouses whose allowances commenced before January 1, 1970, and who are not receiving and are not eligible for federal old age, survivors, or disability benefits. For surviving spouses of patrol members who died in service, the minimum service credit for benefit calculations is 20 years.

A maximum of $51,000 is appropriated from the Motor Vehicle Fund to pay for these cost–of–living adjustments in the 1987–89 biennium.

Votes on Final Passage:

House	91	0
Senate	47	0

Effective: July 1, 1987

HB 250

C 209 L 87

By Representatives Walk, Schmidt, Gallagher, Meyers and Dellwo; by request of Utilities and Transportation Commission

Allowing the utilities and transportation commission to take action on permits after notice and opportunity for hearing.

House Committee on Transportation
Senate Committee on Transportation

Background: The Utilities and Transportation Commission (UTC) may cancel or suspend a motor carrier's operating authority permit for repeated violations only after "notice and hearing." The mandatory hearing requirement has been in effect since 1935. Later laws, such as the Administrative Procedures Act, make the general legal requirement for such actions "notice and opportunity" for hearing.

The overwhelming reason for permit cancellation is failure to maintain insurance. Some 12 to 20 permits are cancelled each month for this reason. The requirement of a mandatory hearing adds time and expense to the permit cancellation and suspension process. Changing the hearing procedure to provide for an "opportunity" for hearing after preliminary notification should also reduce the UTC's workload.

Summary: The requirement that a hearing be held in a common carrier permit cancellation or suspension case when one is not requested by the affected carrier is deleted and replaced with an "opportunity" for hearing. This brings the hearing procedure in line with the Administrative Procedures Act.

A warning notice will still be sent to the carrier by certified mail informing the carrier that the operating permit will be cancelled unless a hearing is requested to explain any extenuating circumstances. By law, after a final order cancelling a permit is entered, the carrier may petition for reconsideration.

Votes on Final Passage:

House	85	0
Senate	43	0

Effective: July 26, 1987

HB 255

C 127 L 87

By Representatives Cooper, Schmidt, Walk, P. King, L. Smith and Dellwo; by request of Department of Licensing

Permitting waiver of penalty assessments for late transfer of vehicle ownership.

House Committee on Transportation
Senate Committee on Transportation

Background: The transfer of ownership of a motor vehicle requires the seller to execute an assignment to the purchaser. Vehicle mileage is recorded on the certificate of title. The seller must notify the Department of Licensing that the transfer of ownership or sale of the vehicle has taken place and provide the names and addresses of both the seller and purchaser. The purchaser has 15 days from the date of the sale to apply for a new certificate of ownership. If a secured party has interest in the vehicle, it shall provide the certificate to the department unless there was a breach in the security agreement with the owner.

If the purchaser fails to transfer the certificate of ownership and license registration within 15 days after receiving the vehicle, a penalty assessment of $25 is charged on the sixteenth day and an additional $2 for each additional day. This penalty is not to exceed $100. Failure to transfer within 45 days after delivery of the vehicle is a misdemeanor.

The department will issue a new certificate of title and license registration if all filing requirements are in order. The Department of Licensing is required periodically to submit to the Department of Revenue a list of seller's reports of which no transfer of title has occurred.

Summary: References to all persons are made gender neutral. The director of the Department of Licensing is authorized to waive late penalty assessments on certificate of ownership and license registration applications for conditions which are beyond the control of the vehicle purchaser. Conditions for waiving penalty assessments may be established by rule and are to include the department's request for additional material, hospitalization or illness of the purchaser, failure of legal owner to release interest in the motor vehicle, or fault of the department or its agents. Other conditions deemed appropriate may also be included in the rules.

Penalty periods begin when the request for transfer of the certificate of ownership and license registration is not made within 15 days after delivery of the vehicle to the purchaser.

Certificates of ownership and license registration replacements will be processed by the department in the same manner as a reissue. The department will specify necessary documentation to be furnished by the applicant for support of a replacement or reissue application.

Votes on Final Passage:

House	90	0
Senate	48	0

Effective: July 26, 1987

2SHB 257

C 147 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Jesernig, Jacobsen, Ebersole, Miller, Bristow, Prince, Sprenkle, Grant, Heavey, Nelson, Ballard, Hankins, Unsoeld, Allen, Sayan, Rayburn, Appelwick, Betrozoff and Wang)

Establishing a trust fund program for graduate students.

House Committee on Higher Education
House Committee on Ways & Means/Appropriations
Senate Committee on Education

Background: In 1985, Washington instituted a program to attract and retain outstanding faculty. The Distinguished Professorship Program was designed to match public and private funds in support of preeminent scholars at the public four–year universities and college. The early success of this program has encouraged its use in forging partnerships between private individuals and the state to support graduate student fellowships.

Summary: The Washington Graduate Fellowship Trust Fund Program is created to match public and private funds in support of outstanding graduate students at the public four–year universities and college. Money in the trust fund will be administered and invested by the state treasurer.

The program will be administered by the Higher Education Coordinating Board, which will adopt program guidelines. These guidelines may include an allocation system based on a variety of factors. However, the allocation system will be superseded by conditions in any legislative act appropriating funds for the program.

Institutions may apply for $25,000 from the trust fund when they can match the state funds with an

equal amount of pledged or contributed private donations. These donations must be made specifically to the program and must be donated after July 1, 1987. The board may then reserve $25,000 for the school's pledged fellowship. If the pledged amounts are not received within two years, the board must make those reserved funds available for another fellowship. Once the private donations are received by the institution, the state matching funds will be transferred to the college or university's graduate fellowship local endowment fund.

The institution is responsible for investing and augmenting the endowment fund, administering the fellowship, and reporting on the program to the governor and the legislature upon request. The proceeds from the fund may be used to provide fellowship stipends for the recipient's tuition, subsistence, research and other educational expenses.

After consulting with the board and eligible institutions, the governor may transfer the administration of this program to another agency with an appropriate educational mission.

Money deposited in the trust fund or in local endowment funds are not subject to collective bargaining.

By December 1, 1989, the board and any agency administering this program will make recommendations on any needed program changes.

Votes on Final Passage:

House	97	1
Senate	49	0

Effective: July 26, 1987

SHB 258

C 223 L 87

By Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, Lewis, Moyer, Lux, D. Sommers, Sprenkle and Unsoeld; by request of Department of Social and Health Services)

Changing provisions relating to public health fees.

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

Background: Public health fees are authorized to support certain public health programs. However, the statutory fees for birth and death certificates do not cover the entire cost of the vital records program. The fee for obtaining a food handler permit, set at $2 in 1957, does not provide sufficient revenue for local health departments to provide training in food handling and preparation.

Summary: The fee for a copy of a vital record is increased from $6 to $11. Duplicate copies of death certificates may be obtained for $6 each if ordered at the same time as the first copy. One dollar of the increase is dedicated to the Death Investigations Account. The fee for a record search, where no copy is made, is raised from $3 to $8. Local registrars will charge the same fee amounts as the state. Two dollars from each fee paid at the local or state level will be credited to the Death Investigations Account.

The fee that local health departments may charge for food handler permits must be uniform throughout the state and will be set by the State Board of Health. The amount set must reflect the cost of the program but may not be too high to prevent low-income persons from obtaining a permit. Initial permits will be valid for two years and renewed permits valid for five years.

Temporary food establishments, operating for less than 21 days, must require the operator or person in charge to obtain a food handler permit. Other food handlers at temporary food establishments need not obtain a food handler permit.

Votes on Final Passage:

House	96	0	
Senate	35	10	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 1987

SHB 259

C 222 L 87

By Committee on Health Care (originally sponsored by Representatives Braddock and Lux; by request of Department of Social and Health Services)

Modifying provisions governing water recreation.

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

Background: The Department of Social and Health Services (DSHS) regulates the construction design, water quality and sanitation of swimming pools open to the public for a charge that measure over 1,500 square feet, including semi-public pools in hotels and clubs. The construction design of all public and semi-public swimming pools must be approved by the secretary of the department. Violations of the law are punishable as misdemeanors with fines not exceeding $300. DSHS also regulates the construction design, water quality, sanitation and safety aspects of water recreation facilities such as water slides and wave pools in water amusement parks.

The department's regulatory authority does not include the water quality, sanitation or safety aspects of public spas, tubs and delineated natural swimming areas, or the safety aspects of swimming pools. The authority over swimming pools in multi-residential units is unclear.

Summary: The regulation of water recreation facilities is expanded to include the water quality, sanitation and safety aspects of public spas and tubs and delineated natural swimming areas, and the safety aspects of swimming pools. Sellers of spas, pools and tubs are required to give purchasers information on the proper water treatment that will reduce health risks, and to give detailed safety instructions. Water recreation facilities for residents and invited guests at single family residences, therapeutic water facilities, steam baths and saunas are exempted. Water recreation facilities located in multi-residential complexes of less than 15 units are exempt from construction design reviews, routine inspections and permit or fee requirements. However, these facilities must conform to water quality, sanitation and safety standards. Water treatment of hydroelectric reservoirs or natural streams, creeks, lakes or irrigation canals is not required.

Local governments also have authority to regulate water recreation facilities, subject to existing state requirements for construction permits, operating permits and reporting of injuries and diseases.

Violations of the chapter are punishable as misdemeanors. The maximum fine is raised from $300 to $500. Rule-making authority is transferred to the State Board of Health.

Votes on Final Passage:

House	69	27	
Senate	26	23	(Senate amended)
House	73	25	(House concurred)

Effective: July 26, 1987

HB 261

C 178 L 87

By Representatives Walk, Schmidt, Fisch, P. King and J. Williams; by request of Department of Licensing

Revising state centennial license plate act.

House Committee on Transportation
Senate Committee on Transportation

Background: In January 1987, the Department of Licensing (DOL) began issuing centennial license plates. These plates are issued to vehicles with new registrations and vehicle owners with existing registrations that require or opt for replacement plates.

An additional $1 per plate fee is imposed; half is deposited in the Centennial Commission Account (CCA) and half is deposited in the Motor Vehicle Fund (MVF) from January 1, 1987 to June 30, 1989. After June 30, 1989, the total amount is deposited in the MVF.

Funds deposited in the CCA are distributed by the Centennial Commission for state and local centennial activities. One-half of the amount deposited in the account is distributed to counties based on the number of centennial plates issued to residents in the county. An expiration date of December 31, 1993 is established for expenditure of funds in the CCA. Any remaining balance in the account reverts to the General Fund following expiration.

The original legislation contained two oversights.

Summary: The intent that the additional $1 per centennial plate fee be applied to all new vehicle registrations is clarified. The fee is collected for small trailer, camper, moped, motor truck, truck tractor, road tractor, tractor, commercial trailer, bus, auto stage and for-hire vehicle new registrations.

The intent that half of the additional $1 per centennial plate fee imposed for a replacement plate be deposited in the Centennial Commission Account (CCA) is clarified. Distribution is the same as for new vehicle registrations: January 1, 1987 to June 30, 1989 — one-half to the CCA and one-half to the Motor Vehicle Fund (MVF); July 1, 1989 on — total $1 to MVF.

Votes on Final Passage:

House	97	0
Senate	46	1

Effective: April 23, 1987

SHB 263

C 19 L 87

By Committee on Local Government (originally sponsored by Representatives Haugen, Prince, Hine, L. Smith and P. King; by request of Department of Community Development)

Exempting loans from the state or federal government to local governments from the statutory indebtedness ceiling.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: The public works trust account was established in 1985 to make loans to local governments to construct, repair, rehabilitate and improve streets and roads, bridges, storm and sanitary sewers, and water systems.

The constitution establishes limitations on the amount of general indebtedness that a local government may incur. Statutes restrict local governments to a lesser amount of general indebtedness than the constitution. Many local governments are authorized to incur general indebtedness without voter approval, as well as general indebtedness with voter approval.

Summary: Local governments are authorized to evidence loan agreements with the federal government or state government without issuing a bond. The loan agreements may specify that the loan constitutes a revenue type obligation or a general indebtedness type obligation. Loan agreements entered into between a local government and the state or federal government, that are of the nature of a general indebtedness, do not constitute indebtedness under the statutory indebtedness limitations.

Votes on Final Passage:

House	97	0
Senate	43	0

Effective: April 3, 1987

SHB 274

C 283 L 87

By Committee on Human Services (originally sponsored by Representatives Brekke, Braddock and P. King; by request of Department of Social and Health Services)

Changing provisions relating to how department of social and health services recovers overpayments of benefits to recipients and vendors.

House Committee on Human Services
Senate Committee on Human Services & Corrections

Background: Vendors of nursing home services are required to provide security for outstanding debts when their contracts with the Department of Social and Health Services (DSHS) are terminated. There are no similar security requirements for non–nursing home vendors.

Vendors are subject to different interest assessments on overpayment debts. For some vendors, interest is suspended on any amount in dispute; for medical vendors only, no interest is assessed on overpayments resulting from DSHS error.

Except in the case of nursing homes, the department has no statutory authority to recoup overpayment debts from subsequent vendor payments. The department may, however, recoup the interest accrued on such debts.

Patients in state mental hospitals are liable for the cost of their care. Some medical insurance carriers do not cover the care provided in state hospitals even though the care would be covered if provided by any other medical facility.

Actions to collect overpayments made to public assistance recipients must be brought within six years of notice of the overpayment or termination of assistance. Compromise or write–off of uncollectible claims requires the approval and interaction of the attorney general's office.

Federal law authorizes the recovery, after a recipient's death, of medical assistance costs for medical assistance recipients. Under state law, DSHS may recover medical assistance costs from the proceeds of the sale of the recipient's home only upon certification that the patient will never be able to return to the home.

State law authorizes DSHS to provide medical assistance to a recipient whose personal injuries are the result of third–party negligence. However, if the recipient was contributorily negligent, DSHS cannot recover its full costs from the third–party tort feasor.

Summary: The Department of Social and Health Services (DSHS) is authorized to require non–nursing home vendors to post security for any outstanding balance on an overpayment. This security may be in the form of withheld future payments, assignment of contractual rights, time deposits, surety and other forms of bonds and other security interest. The department may also file a lien for the unsecured overpayment balance.

Interest on overpayment debts is established for all vendors at the rate of 1 percent per month on any remaining balance. If the vendor discovers the overpayment, interest begins to accrue 90 days after the vendor notifies DSHS; if DSHS discovers the overpayment, interest begins to accrue 30 days after notice or 90 days after the overpayment, whichever is earliest. The authority to suspend interest payments on amounts in dispute is repealed. No interest may be assessed on overpayments made by department error.

The department is authorized to recoup, or set off, vendor overpayments and applicable interest from subsequent payments to that vendor.

Group disability insurers, health care service contractors and health maintenance organizations are prohibited from excluding coverage of care provided in

state hospitals if the benefits would have otherwise been payable.

Actions to collect overpayments made to public assistance recipients and vendors must be brought within six years after the date of overpayment notice by DSHS. The department is authorized to compromise and write–off claims.

Upon a recipient's death, the department may recover from the recipient's estate the cost of medical care provided to a recipient 65 years of age or older, unless: a) there is a surviving spouse; or b) there is a surviving child who is under 21 or who is disabled; or c) there are children over 21, in which case the first $50,000 and 65 percent of the remainder of the proceeds are exempt. The department is authorized to file liens after the death of the recipient and claims in probate proceedings.

In third–party liability actions to recover the cost of care for recipients negligently injured by a tort–feasor, DSHS is not subject to reduction based on contributory negligence.

The vendor lien provisions are incorporated into a new chapter.

Votes on Final Passage:

House	52	43	
Senate	40	8	(Senate amended)
House	85	7	(House concurred)

Effective: July 26, 1987

HB 277

C 371 L 87

By Representatives Gallagher, Doty, Walk, Schmidt and P. King; by request of Department of Licensing

Extending the time permitted for providing the department of licensing proof of financial responsibility.

House Committee on Transportation
Senate Committee on Transportation

Background: Drivers or owners of vehicles who have been convicted of or forfeited bail for certain offenses under the motor vehicle laws, or have failed to pay judgments, or have been involved in accidents resulting in bodily injury or death, or property damage of $300 or more to any one person, may be subject to filing proof of financial responsibility as well as a deposit of security.

Proof of financial responsibility is the ability to pay damages for liability for accidents which might occur after the date of the proof. The amount of financial responsibility required by the Department of Licensing is dependent upon injuries or damage suffered in any one accident. The amount for a bodily injury or one death in an accident is $25,000. An accident with two or more deaths requires a $50,000 amount. Injury to or destruction of property requires a $10,000 amount.

The proof may be in the form of a certificate of insurance, a bond, a certificate of deposit of funds, or a certificate of self–insurance from a driver or owner meeting the criteria for a self–insurer.

Driver licenses or nonresident driving privileges shall be suspended and remain suspended or revoked unless proof of financial responsibility is provided to the Department of Licensing within 10 days of the sending of the notice.

Summary: The allowable time for filing proof of financial responsibility is extended to 30 days from the date notice is sent by the Department of Licensing.

Votes on Final Passage:

House	95	0	
Senate	43	0	(Senate amended)
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 26, 1987

HB 279

C 378 L 87

By Representatives Gallagher, Doty, Walk, Schmidt and P. King; by request of Department of Licensing

Extending the time required for filing a security deposit under the financial responsibility provisions of the motor vehicle code.

House Committee on Transportation
Senate Committee on Transportation

Background: Drivers or owners of vehicles which have been involved in an accident within the state which has resulted in personal injury or death, or property damage of $300 or more may be required to file a deposit of security. The deposit of security is in an amount determined by the Department of Licensing to cover damages and injuries resulting from the accident. The security may be in the form of a bond or policy issued by an insurance company or surety company authorized to do business in Washington.

If the requested security is not deposited within 10 days of the sending of the notice, the department shall suspend the driver's licenses of each driver involved in the accident who fails to file a requested security deposit, the owner of each vehicle registered in the state who fails to file a requested security deposit, and

any nonresident driving privileges to an out–of–state licensed driver who fails to file a requested security deposit.

Summary: The allowable time for filing security with the Department of Licensing following an accident is extended to 30 days from the date notice is mailed by the department.

Votes on Final Passage:

House	95	0	
Senate	41	0	(Senate amended)
House			(House refused to concur)
Senate	46	2	(Senate amended)
House	96	0	(House concurred)

Effective: July 26, 1987

HB 282

C 28 L 87

By Representatives Appelwick and R. King; by request of Department of Revenue

Exempting purchases with food coupons from sales and use tax.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: Federal law stipulates that states may not apply sales tax to purchases made with food stamps. States that do tax purchases made with food stamps will become ineligible for the federal food stamp program. The U.S. Congress felt that the practice of states taxing food stamp purchases was an indirect subsidy to state and local governments, which was not intended. Washington has until October 1, 1987 to bring its laws into compliance.

Washington state currently exempts most food items from the state sales and use taxes. However, there are a few items that may be purchased with food stamps that are not exempt under state law. Major items which may be purchased with food stamps but are taxed include carbonated beverages, dietary supplements, garden seeds, bottled water and ice.

Summary: Purchases made with food stamps are exempt from the retail sales and use taxes. When purchases are made with both food stamps and cash, the cash must be first applied to the purchases of food items exempt under the current law.

Votes on Final Passage:

House	93	0
Senate	48	0

Effective: October 1, 1987

SHB 283

C 262 L 87

By Committee on Natural Resources (originally sponsored by Representatives K. Wilson, Kremen, Haugen, S. Wilson, R. King, Basich and Holm)

Requiring unauthorized commercial fishing vessels in state waters to stow fishing gear or keep it unavailable.

House Committee on Natural Resources
Senate Committee on Natural Resources

Background: In several fisheries, Canadian vessels sell their catch in Washington ports. In the case of salmon, Canadians can receive higher prices than Washington fishermen for two reasons: 1) better fish condition, owing to their capture further from the fish spawning areas; and 2) fish caught earlier in the season receive higher prices.

Canadian federal law requires foreign fishing vessels traveling through their waters to stow all fishing gear below decks or render it temporarily inoperable.

Summary: Commercial fishing vessels not licensed to fish in Washington waters must have their salmon fishing gear placed where it is not readily accessible for salmon fishing or stowed below the deck when in state waters.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: July 26, 1987

SHB 289

C 250 L 87

By Committee on Local Government (originally sponsored by Representatives Nutley, L. Smith, Haugen, Brough and Cooper)

Revising regulation of public dances and recreational activities.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: State law prohibits marathon dances, walkathons, and similar contests or exhibitions, and provides that it is a misdemeanor to conduct such events. State law also prohibits the holding of public dances or the maintenance of dance halls outside of cities or towns without first having obtained a license

from the county. It is illegal to carry on immoral, suggestive or obscene dances in any such licensed dance hall.

It is a gross misdemeanor to admit a person under the age of 18 into a dance house.

Summary: Existing laws are repealed that require counties to license dance halls, prohibit the carrying on of suggestive dances and prohibit marathon dances. Counties are authorized to license and regulate public dances and other recreation or entertainment in the unincorporated areas of the county. License fees may be adequate to finance the costs of issuing licenses and enforcing regulations, including law enforcement activities.

The portion of general law is deleted that makes it a gross misdemeanor for someone under 18 to be admitted into any dance house.

Votes on Final Passage:

House	92	0
Senate	46	0

Effective: July 26, 1987

SHB 291

C 288 L 87

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Fisher, Sanders, Belcher and Unsoeld; by request of Secretary of State)

Revising procedures for voter challenges.

House Committee on Constitution, Elections & Ethics
Senate Committee on Judiciary

Background: State election law establishes two procedures for challenging the right of a registered voter to vote; one for challenges made at the polling place or within 30 days of a primary or election, and one for challenges made outside of that period concerning a voter's place of residence. Challenges made within 30 days of the primary or election are decided by the canvassing board. Others are decided by the county auditor after a hearing.

CHALLENGES AT POLLS. Although the registration of a person as a voter is presumptive evidence of the person's right to vote, a precinct election officer or a registered voter may, at a polling place, challenge the right of the person to vote. (A challenge by a registered voter based solely upon grounds of residence must be filed not later than seven days before the primary or election.) A challenged voter must cast a "questioned" or challenged ballot which is kept separate from other ballots. The challenging party must prove to the canvassing board by clear and convincing evidence that the challenged voter's registration is improper. The validity of the ballot is determined by the board.

CHALLENGES NOT WITHIN 30 DAYS OF ELECTION. A registered voter may request that the registration of another person be canceled if the person no longer maintains a legal voting residence at the address shown on the person's registration record. The challenger must sign a form and submit it to the county auditor along with the address at which the challenged voter actually resides. A notice of intent to cancel the registration on the grounds of a challenge of residence must be sent by the auditor to the address at which the challenged voter is alleged to reside. After a hearing or review of affidavits, the auditor must rule on the validity of the challenge.

Summary: State laws governing the challenging of a registered voter's right to vote are amended. A person's right to vote may be challenged at the polls only by a precinct election officer. Any challenge of such a right made by another registered voter must be filed not later than the day before a primary or election.

CHALLENGES AT POLLS OR LESS THAN 30 DAYS BEFORE ELECTION. A challenge made by the officer at the polls may be made only upon the belief or knowledge of the officer that the voter is unqualified. The challenge must be supported by evidence or testimony given to the canvassing board and may not be based on unsupported allegations or allegations by anonymous third parties. The identity of the challenger and any third person involved in the challenge is public record and must be announced at the time of the challenge. An affidavit, signed by the officer and any third party involved and stating the grounds for the challenge, must be included with the "questioned" ballot cast by the person challenged.

If the county auditor receives, less than 30 days before a primary or election, an affidavit from one registered voter challenging the right of another person to vote, the auditor must notify the challenged voter and the precinct election officers that the challenge has been filed and instruct both the election officers and the voter that a "questioned" ballot will be provided. The voter will also be informed that the canvassing board will determine the matter.

The auditor must notify the challenger and the challenged voter by certified mail of the time and place at which the canvassing board will meet to rule on challenged ballots. A precinct election officer making the challenge and the third party, if the challenge

is based upon evidence provided by a third party, must appear in person before the board unless written permission is granted by the canvassing board for affidavits to be submitted. The challenged voter may present testimony either in person or by affidavit as may a challenger who has filed a challenge before the primary or election. If a voter whose qualifications have been challenged by another voter does not vote at the ensuing primary or election, the challenge will be processed in the same manner as challenges made more than 30 days before the primary or election.

CHALLENGES 30 DAYS OR MORE BEFORE AN ELECTION. This procedure may be used to challenge the constitutional qualifications of another registered voter to vote, not simply the residence of the other voter. A notice concerning the hearing to be conducted by the auditor must be mailed to the address at which the challenged voter is registered, the address provided by the challenger, and any other address at which the challenged voter is alleged to reside. If either or both parties fail to appear at the meeting or fail to file an affidavit, the auditor will determine the status of the registration based on the auditor's evaluation of the available facts.

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 1987

HB 295

C 22 L 87

By Representatives Heavey, Padden and Armstrong; by request of Department of Licensing

Revising findings required under the Implied Consent Law.

House Committee on Judiciary
Senate Committee on Judiciary

Background: Under the state's "implied consent law," every driver agrees to have his or her breath or blood tested for alcohol content if he or she is arrested for driving while intoxicated (DWI). Refusal to take the test causes the loss of driving privileges. Loss of driving privileges is through an administrative process conducted by the Department of Licensing that operates independently of any criminal action in court on the DWI arrest.

The implied consent law and the DWI law apply to drivers operating a vehicle "within this state." However, the implied consent law refers to violating the DWI law while "upon the public highways of this state".

Hearings under the implied consent law are conducted by the Department of Licensing and are held in the county of arrest. Appeals from the decision of the department are to the superior court in the county of the driver's residence, or the county of arrest if the driver is from outside the state.

Summary: All references in the implied consent law to the place in which a driving while intoxicated (DWI) offense is committed are changed to "within this state." Appeals from administrative determinations under the implied consent law are to be filed in the county in which the DWI arrest was made.

Votes on Final Passage:

House	97	0
Senate	48	1

Effective: July 26, 1987

SHB 296

C 16 L 87

By Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Cooper, P. King and Hine)

Extending the local governance study commission.

House Committee on Local Government
House Committee on Ways & Means/Appropriations
Senate Committee on Governmental Operations

Background: The Local Governance Study Commission was authorized in 1985 to study local government issues and report its recommendations for changes in laws to the legislature by November 1, 1986. This commission is composed of 21 members appointed by the governor, plus several ex-officio members, including the director of the Department of Community Development who acts as the commission chair.

The commission's operations are financed with a portion of the motor vehicle excise tax receipts placed into the county sales tax equalization account and an equal amount that otherwise would have been distributed to cities and towns.

Summary: The existence of the Local Governance Study Commission is extended to June 30, 1988, and the time when the commission reports is extended to January 2, 1988. Funding for this commission is changed so that moneys are obtained from liquor excise tax receipts that otherwise would be distributed to cities and counties.

One hundred twenty eight thousand dollars is appropriated from the Local Governance Study Commission Account to the Department of Community Development through the end of the fiscal year ending June 30, 1988 for the study.

Votes on Final Passage:

House 92 0
Senate 32 17

Effective: June 30, 1987

SHB 298

C 138 L 87

By Committee on Local Government (originally sponsored by Representatives Haugen, Brough, P. King, Holm and Unsoeld)

Allowing library districts, metropolitan park districts, fire protection districts, and public hospital districts to withdraw areas from their boundaries, and to submit ballot propositions to voters allowing the $9.15 cumulative property tax limitation to be increased temporarily to allow the district to impose its tax levy.

House Committee on Local Government
House Committee on Ways & Means/Revenue
Senate Committee on Governmental Operations and Committee on Ways & Means

Background: The constitution and statutes establish several restrictions on property taxes.

Statutes establish the maximum tax rate that each taxing district may impose. These rate limitations are expressed in terms of a dollar value per $1,000 of assessed valuation.

Statutes place a cumulative rate limitation on most of the regular property tax levies of most taxing districts at $9.15 per $1,000 of assessed valuation that may be imposed on any property. The relative status of the various taxing districts has been established so that the senior taxing districts (counties, road districts, cities and towns and the state for educational purposes) are permitted to impose their tax levies before the remaining taxing districts (referred to as junior taxing districts) impose their tax levies. Different status levels have been established for the regular property tax levies of various junior taxing districts. If the requested rates of tax levy exceed this $9.15 limit on any property, levy rates of the junior status tax levies and junior taxing districts are reduced or eliminated to remain within this cumulative ceiling rate. The reduction or elimination occurs on the lowest status levies and districts before the next highest are affected.

Statutes limit regular property taxes imposed by a taxing district in any year to not more than 106 percent of the highest taxes it imposed in the last three years, not including taxes on new construction.

The constitution requires a taxing district to impose its property taxes uniformly throughout its boundaries.

Summary: Library districts, public hospital districts, fire protection districts and metropolitan park districts are authorized to de–annex areas, or withdraw the areas from their boundaries if it appears that the retention of the areas within their boundaries would cause a reduction of their tax rates under operation of the $9.15 limitation. A de–annexation would occur upon: (1) request by the junior taxing district; and (2) approval by the city or town if the area were inside the city or town, or by the county if the area were outside of a city or town.

If territory were so removed from a junior taxing district's boundaries, then its tax receipts under the 106 percent limitation are calculated as if the territory never had been in the district's boundaries. If a city or town were removed from a library or fire district's boundaries, the city's or town's tax receipts under the 106 percent limitation are calculated as if the library or fire district had not been within its boundaries.

If an area were withdrawn from one of these junior taxing districts that is coterminous with the boundaries of another taxing district, the boundaries for taxation purposes are established on October 1 of that year instead of March 1 of that year.

A re–annexation into the area so de–annexed could occur upon: (1) request by the junior taxing district; and (2) approval by the city or town if the area were inside the city or town, or by the county if the area were outside a city or town. Potential referendum action by voters in the area to be re–annexed could be taken.

Library districts, public hospital districts, metropolitan park districts and fire protection districts are authorized to submit ballot propositions to their voters which, if approved by a simple majority vote, would permit both: (1) the taxing district to impose a higher rate of taxation than it otherwise could impose due to the $9.15 limitation, but still subject to the 106 percent limitation and the maximum rate limitation for the taxing district; and (2) increase the $9.15 limitation by an amount equal to this increased tax but not to exceed $9.50 per $1,000 of assessed valuation. Fire districts may only receive this authorization for their first 50 cents per $1,000 of assessed valuation tax levy. The increase in the $9.15 limitation would be only for the taxing district that received such voter approval. Other taxing districts would not be affected.

When two or more taxing districts that occupy part of the same area receive this voter approval, they would share in the increased amount of taxing capacity. If the requested taxing rates exceed the $9.50 limitation, these taxing districts would have their requested levy rates adjusted in the same manner as if the rates were being reduced due to the $9.15 limitation.

The voter–approved, six–year tax levies of up to 25 cents per $1,000 of assessed valuation for emergency medical services are still above this $9.50 limitation.

County assessors are required to report tax information to the Department of Revenue on standardized forms.

Votes on Final Passage:

House	85	10
Senate	47	2

Effective: April 22, 1987

HB 310

C 240 L 87

By Representatives Zellinsky, Winsley, Haugen, Day, Bristow and Lux

Requiring insurers writing comprehensive and collision policies to also offer financing coverage.

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

Background: The insurance code prohibits insurers from overinsuring property. Property insurance benefits may not exceed the fair market value of the property which is defined as the replacement cost less depreciation.

When a new motor vehicle is purchased and financed with a very low down payment, the loan amount may exceed the vehicle's fair market value shortly after delivery. Sometimes this lower market value results in a situation where the insurance covering the vehicle is insufficient to fully satisfy the loan.

Summary: Motor vehicle liability insurers that sell collision and comprehensive coverage must provide, at the insured's request, coverage that will satisfy any outstanding indebtedness on a new motor vehicle. However, the insurer may deny coverage or benefits if the insured or someone on the insured's behalf attempts to obtain coverage or benefits in a fraudulent manner.

Votes on Final Passage:

House	97	0	
Senate	49	0	(Senate amended)
House	98	0	(House concurred)

Effective: January 1, 1988

SHB 313

C 53 L 87

By Committee on Local Government (originally sponsored by Representatives Zellinsky, Schmidt, Haugen and Hine)

Reducing park and recreation district commission terms to four years.

House Committee on Local Government
Senate Committee on Parks & Ecology

Background: Park and recreation districts are special districts authorized to provide park and recreation facilities and services. A district can impose annual regular property taxes of up to 15 cents per $1,000 of assessed valuation for five consecutive years if a ballot proposition authorizing the taxes is approved by a 60 percent majority vote with a 40 percent validation requirement similar to that required to approve an excess levy.

A park and recreation district is governed by an elected five–member board of commissioners, who serve staggered six–year terms.

Summary: The terms of office for the commissioners of a park and recreation district are changed from six years to four years.

Votes on Final Passage:

House	97	0
Senate	45	0

Effective: July 26, 1987

HB 315

C 1 L 87

By Representatives Grimm and Miller; by request of Office of Financial Management

Making a supplemental appropriation for the citizens' commission on salaries for elected officials.

House Committee on Ways & Means/Appropriations

Background: During 1987, the Washington Citizens' Commission on Salaries for Elected Officials was established.

The commission is required to study the relationship of salaries to the duties of legislators, executive branch elected officials, and judges of the supreme court, court of appeals, superior courts, and district courts, and fix the salary for each of those positions. The salaries established by the commission are to be filed with the secretary of state by the first Monday in June 1987, and biennially thereafter. The schedule of salaries becomes effective 90 days after it is filed. The sole process for making changes in the salaries of elected officials is by referendum petition by the people.

Summary: One hundred twenty–seven thousand dollars ($127,000) is appropriated from the General Fund–State to the Citizens' Commission on Salaries for Elected Officials.

Votes on Final Passage:

House 85 13
Senate 35 13

Effective: February 20, 1987

2SHB 321

C 497 L 87

By Committee on Ways & Means/Revenue (originally sponsored by Representatives Peery, Sutherland, L. Smith, Cooper, Nutley and P. King)

Authorizing excise tax deferrals on machinery, equipment, and other personal property used in the production or casting of aluminum.

House Committee on Trade & Economic Development
House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: Out–of–state firms locating new facilities in Washington state are permitted to defer sales taxes on new construction under provisions of law in effect through June of 1988. Taxes may be deferred for up to three years, with payment required over the following five years. The sales tax deferral program covers taxes on new construction and equipment. The sales tax on the labor utilized in an investment project is not covered by the deferral permitted under these provisions.

The aluminum production and casting industry in Washington state is undergoing a severe crisis as a result of several factors, including: a major increase in world aluminum production capacity associated with new global hydroelectric power–generating capacity; increased regional electricity costs, which are a major cost factor in aluminum production; aging production facilities; and a drastic reduction in the world market price for aluminum. The aluminum production industry is responsible for major direct and indirect employment impacts in a number of areas of the state.

Summary: The definition of situations in which sales tax deferrals will be granted is extended to include acquisition of all machinery, equipment or personal property used in the production or casting of aluminum. The provision is applicable to aluminum smelter and related facilities that have either ceased operation or that are in imminent danger of ceasing operation for economic reasons. Sales tax deferrals will also be granted for aluminum smelter and rolling mill modernization projects intended to increase the operating efficiencies of existing facilities.

In order to receive a sales tax deferral under these provisions, consultation is required on the proposed operation of the plant and on the terms and conditions of employment for wage and salaried employees with any collective bargaining unit representing employees of the plant. A written concurrence from the bargaining unit on the decision to apply for a deferral is also required. A waiver of this concurrence requirement may be granted by the Department of Trade and Economic Development.

Votes on Final Passage:

House 72 24
Senate 49 0

Effective: May 19, 1987

SHB 324

C 337 L 87

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Fisher, Madsen, Vekich, Pruitt and Fisch)

Revising public disclosure exemptions.

House Committee on Constitution, Elections & Ethics
Senate Committee on Judiciary

Background: Public disclosure law requires agencies to make records available for public inspection and copying as well as exempts certain information and records from this requirement.

Summary: Exemptions are established from the requirement of law that public agencies permit the public to inspect and copy records. Exempted from that requirement are financial and commercial information and records supplied by businesses during application for loans or services under laws creating

and governing the Department of Community Development the Department of Trade and Economic Development, and the State Development Loan Fund Committee.

Votes on Final Passage:

House	97	0	
Senate	49	0	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 1987

SHB 325

C 398 L 87

By Committee on Education (originally sponsored by Representatives Ebersole, Betrozoff and Walk)

Providing for curriculum based assessment for bilingual education programs and programs for those with learning disabilities.

House Committee on Education
Senate Committee on Education

Background: To participate in special programs for the learning disabled, a student must undergo a complete assessment by a school psychologist. The assessment includes use of standardized intelligence tests, achievement measure and other information. In many cases, however, a teacher becomes aware that a student may have learning disabilities because the student has problems with the basic curriculum. It has been suggested that curriculum–based assessment of students, as a part of the evaluation for participation in a learning disabilities program, may reduce assessment costs and improve planning of programs for these students.

Summary: By July 1, 1989, the Superintendent of Public Instruction is required to complete a study of curriculum–based assessment and, where appropriate, adopt rules for the use of curriculum–based assessment. Use of curriculum–based assessment procedures is optional for school districts. Curriculum–based assessment procedures may not be used to deny a student the right to an assessment to determine eligibility for participating in a learning disabilities program. Curriculum–based assessment may be used as an early intervention procedure and as an academic measure for supplementing evidence of a student's eligibility for participation in the learning disability program.

Votes on Final Passage:

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

Effective: July 26, 1987

HB 326

C 527 L 87

By Representatives Grant, Nealey, Kremen, Bristow, McLean, Rayburn, Braddock, Rasmussen, Madsen, Prince, Holm and Miller

Requiring two and one–half percent of the department of ecology's appropriation from the water quality account to be transferred to the state conservation commission.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: In 1986, the legislature established the Water Quality Account in the state treasury to receive revenues from certain taxes on cigarettes, tobacco products, and components or ingredients of water pollution control facilities or activities. Monies deposited in the account are subject to appropriation and are administered by the Department of Ecology. State law establishes limitations on the department's total distribution of funds appropriated from the account during the period beginning July 1, 1987, and ending June 30, 1995. One of those limitations is that not more than 2.5 percent of amounts distributed for certain point and nonpoint water pollution control activities may be transferred by the department to the State Conservation Commission for water related activities.

Summary: State law establishing limitations on the distribution of monies from the Water Quality Account during the period from July 1, 1987, to June 30, 1995, is altered. The maximum amount which current law permits the Department of Ecology to transfer to the Conservation Commission becomes an amount that must be appropriated directly to the commission. Not less than 10 percent of these monies appropriated to the commission may be expended for research activities.

Votes on Final Passage:

House	72	25
Senate	45	0

Effective: July 26, 1987

SHB 327

PARTIAL VETO

C 6 L 87 E1

By Committee on Ways & Means (originally sponsored by Representatives Bristow, Holland, Grimm, Locke and P. King; by request of Governor Gardner)

Adopting the capital budget.

House Committee on Ways & Means
Senate Committee on Ways & Means

Summary: Capital appropriations are provided for the 1987–89 biennium.

Votes on Final Passage:

Regular Session			
House	67	31	
First Special Session			
House	65	28	
Senate	38	8	(Senate amended)
House	64	30	(House concurred)

Effective: June 12, 1987

Partial Veto Summary: The governor vetoed two sections of the bill.
Section 408 appropriates $134 million – ($104 million from school trust land revenues and $30 million from state general obligation bonds) – for school construction projects. Sub–section one restricts the use of the $134 million appropriation to school construction projects funded at the regular state matching rate. The regular state matching rate averages about 55 percent of the project cost with the balance of the money provided by a local bond issue. The governor vetoed this restriction, thereby allowing the $134 million appropriation to also be used for "super match" projects which require a 90 percent state matching rate.
The governor vetoed Section 412 and the $126,000 appropriation for Nine Mile Falls School District. The appropriation would have been used for operating and capital costs already covered by local levy money. (See VETO MESSAGE)

SHB 329

C 180 L 87

By Committee on Agriculture & Rural Development (originally sponsored by Representatives Bristow, Prince, Vekich, Nealey, Baugher, Rayburn, Grant, Madsen, Rasmussen and Sprenkle)

Enlarging the membership of the state conservation commission.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: The State Conservation Commission consists of eight members. Three members are elected, two are appointed by the governor and three are ex officio members. The three elected members are elected by the district supervisors at their annual statewide meeting. The ex officio members are: the director of the Department of Ecology; the director of the Department of Agriculture; and the dean of the College of Agriculture at Washington State University.

Summary: The membership of the State Conservation Commission is expanded from eight to ten members. Ex officio members added to the commission are: the commissioner of Public Lands, and the president of the Washington Association of Conservation Districts.

Votes on Final Passage:

House	97	0
Senate	43	0

Effective: July 26, 1987

HB 338

C 364 L 87

By Representatives Zellinsky, Schmidt, Meyers, Walk, Pruitt, S. Wilson, J. Williams and P. King; by request of Washington State Transportation Commission

Authorizing the transportation commission to retain legal counsel and other technical experts.

House Committee on Transportation
Senate Committee on Transportation

Background: State officers, directors, administrative agencies, boards, or commissions, other than the attorney general, are prohibited from hiring legal counsel to act in any legal or quasi–legal capacity.

The Transportation Commission has indicated a desire to hire independent technical and legal consultants, on an as needed basis, in order to better perform its duties.

Summary: The Transportation Commission is authorized to retain, as needed, planners, consultants, including legal consultants, and other technical personnel to advise it in the performance of its duties.

Votes on Final Passage:

House	88	6
Senate	47	0

Effective: July 26, 1987

2SHB 339

C 8 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Jacobsen, Heavey, H. Sommers, Niemi, Pruitt, Dellwo, Wang, P. King, Hine, K. Wilson, Unsoeld, Miller and Wineberry; by request of Governor Gardner)

Establishing the Washington distinguished professorship trust fund program.

House Committee on Higher Education
House Committee on Ways & Means/Appropriations
Senate Committee on Education

Background: In 1985, Washington instituted an innovation program to attract and retain outstanding faculty. The Distinguished Professorship Program was designed to match public and private funds in support of preeminent scholars at the public four–year universities and college.

In 1986, the legislature included $750,000 in the supplemental budget to begin program funding. The University of Washington (UW), Washington State University (WSU) and Eastern Washington University recruited pledged donations and applied for the funds. UW and WSU have received their pledges and state match. These institutions have created distinguished professorships in English and Entomology respectively.

Summary: The Washington Distinguished Professorship Trust Fund Program is created to match public and private funds in support of outstanding faculty at the public four–year universities and college. Money in the trust will be administered and invested by the state treasurer. Professorships created under the 1985 Distinguished Professorship Program may continue under the new trust fund program.

The trust fund program will be administered by the Higher Education Coordinating Board, which will adopt program guidelines in consultation with eligible institutions. These guidelines may include an allocation system based on a variety of factors. However, the allocation system will be superseded by conditions in any legislative act appropriating funds for the program.

Institutions may apply for $250,000 from the trust fund when they can match the state funds with an equal amount of pledged or contributed private donations. These donations must be made specifically to the program and must have been donated after July 1, 1985. Upon receipt of an application, the board may reserve $250,000 for the school's pledged professorship. If the pledged amounts are not received within three years, the board must make those reserved funds available for another professorship.

Once the private donations are received by the institution, the state matching funds will be transferred to a local endowment fund established by the institution for the professorship.

The institution is responsible for investing and augmenting the endowment fund, administering the professorship and reporting on the program to the governor and the legislature upon request. The proceeds from the fund may be used to supplement the salary of the holder of the professorship, pay salaries for his or her assistants, and pay expenses associated with the holder's scholarly work. Money deposited in the trust fund or in the local endowment fund are not subject to collective bargaining.

After consulting with the board and eligible institutions, the governor may transfer the administration of this program to another agency with an appropriate educational mission.

By December 1, 1989, the board, or any other agency administering this program, will make recommendations on any needed program changes.

Any funds appropriated for the 1987–89 biennium will be allocated as follows: 45 percent for the University of Washington; 30 percent for Washington State University; and 25 percent for the regional universities and college. Each regional institution is guaranteed one professorship. The remaining $250,000 will be allocated on a first–come, first–served basis. If no regional institution has requested the unassigned professorship by May 1, 1989, that professorship may be allocated to one of the research universities in accordance with rules promulgated by the Higher Education Coordinating Board.

If either of the research universities has not used its allotted professorships by January 1, 1989, any institution which has used its entire allocation may apply for remaining funds under rules promulgated by the board.

Votes on Final Passage:

House	98	0
Senate	49	0

Effective: July 26, 1987

SHB 341

C 498 L 87

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Dellwo, Nutley, Chandler, Silver, Lux, Meyers, P. King, Ferguson, Betrozoff, C. Smith and May)

Revising the corporate powers of banks.

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

Background: State chartered savings and loan associations are permitted to invest 10 percent of their assets in any activity or corporation. Savings banks have similar authority. However, state chartered commercial banks are not permitted to invest in corporations or to conduct activities that are not related to banking.

Commercial banks are prohibited from dealing in securities and the officers and employees of a commercial bank are prohibited from being officers or employees of a business engaged in selling securities. Officers or employees are also prohibited from being trustees, directors, officers, or employees of a corporation making loans secured by collateral to any other corporation. A securities business may not have an office or transact business in the same room as a bank.

Last year, the legislature directed the supervisor of banking to establish a study commission to analyze bank powers and report to the legislature by November 1, 1987, with recommendations on changes to the bank code.

Summary: State chartered commercial banks may invest up to 10 percent of their assets or 50 percent of net worth, whichever is less, in any corporation whether or not such corporation is related to the banking business. Before a bank may make an investment or engage in any activity under the act, the supervisor of banking must review and authorize the investment or activity after considering the bank's safety and soundness, the convenience and needs of the public, and whether the proposed activity ought to be conducted through a bank affiliate or subsidiary. The supervisor may not authorize banks to act as insurance or travel agents.

The restriction on commercial banks dealing with securities and the relation of officers and employees of a bank with a securities business or other corporation which makes loans is repealed.

The study commission is modified to require a review of all state chartered financial institutions. The director of the Department of General Administration is in charge of the study.

Votes on Final Passage:

House	93	2	
Senate	46	1	(Senate amended)
House	95	2	(House concurred)

Effective: July 26, 1987

SHB 347

C 174 L 87

By Committee on Transportation (originally sponsored by Representatives Baugher, Schmidt, Walk, S. Wilson and Meyers)

Modifying payment provisions on motor vehicle and special fuel taxes.

House Committee on Transportation
Senate Committee on Transportation

Background: The state fuel tax is paid by distributors of motor vehicle fuel. Payments of taxes on fuel distributed during a month are due by the 25th day of the following month. Most tax payments are made by check and sent to the state by mail. The Department of Licensing, the agency responsible for administration of the fuel tax, currently contracts with a Washington–based bank to process motor vehicle fuel tax payments. Revenues from the motor vehicle fuel tax are deposited in the Motor Vehicle Fund.

While state law establishes the 25th day of the month as the due date for fuel taxes, most of the money paid by distributors are not deposited in the Motor Vehicle Fund until later dates. In fact, a large percentage of the total amount due in a month generally is not available for use by the state until the first few days of the following month.

There are two major reasons for the time lag between the tax due date of the 25th of a month and the dates on which funds from tax payments are deposited in the Motor Vehicle Fund. They are:

(1) Under the current state law, a payment that is mailed is considered to be received by the 25th of the month if the postmark date is no later than the 25th. Distributors generally take advantage of this provision and mail their payments on the 25th or shortly before that date. As a result, most payments are received by the Department of Licensing or its bank one to four days after the due date.

(2) Most payments of fuel taxes by check are not available for deposit in the Motor Vehicle Fund until they are cleared through the banks on which they are drawn. The clearing process generally requires one to three business days after a check is received in the mail.

The combined mailing and check clearing process usually involves only a two–day period for checks mailed from locations in the state and drawn on in–state banks. Longer periods frequently are required for payments mailed and drawn on banks from out–of–state locations.

The state could ensure that most payments of fuel taxes would be deposited in the Motor Vehicle Fund during the month in which they are due by requiring payment by electronic funds transfer (EFT). Under this payment alternative, a taxpayer would instruct his or her bank to initiate transfers of funds by means of telephone, wire, or other electronic communications device directly to the bank in which Motor Vehicle Fund revenues are deposited.

Typically, when funds are sent by EFT, they are available for deposit in the recipient's bank account on the day on which they are transferred.

If a payment is late, a 1 percent penalty not to exceed $500 must be charged by the Department of Licensing. If a payment is not received by the end of each month, an additional 10 percent penalty must be charged by the department. Interest charges of 0.5 percent per month on delinquent payments must also be charged by the department.

The department may waive only the interest charges when the interest charge is less than $5 or when the cost of collection exceeds the amount due.

Summary: Motor vehicle fuel distributors and special fuel taxpayers (primarily diesel fuel) are required to pay taxes by electronic funds transfer (EFT) when tax payments of $50,000 or more are due. Taxpayers owing smaller amounts have the option of making payments by EFT. For payments made by EFT, the tax due date is changed from the 25th of the month to the second to last state business day of the month. This will ensure that money will be available for deposit in the Motor Vehicle Fund by the last day of the month.

Under the requirement that tax payments of $50,000 or more be made by EFT, between 90 percent and 95 percent of total motor vehicle fuel tax payments will be made by EFT and received by the end of the month in which they are due.

The penalty for failure to meet the due date for motor vehicle fuel tax payments is increased from 1 percent to 2 percent. The current 10 percent penalty on taxes that are not paid by the last business day of the month in which they are due is repealed. The monthly interest charge on unpaid taxes is increased from 0.5 percent to 1 percent.

The director of the Department of Licensing may waive penalties for late filing of monthly motor vehicle fuel reports, late payment of the fuel excise tax, or both, when it is shown that the failure to report or the failure to pay fuel taxes due was for reasonable cause.

The filing of a fraudulent monthly gallonage return with intent to evade the taxes lawfully due shall result in a 25 percent penalty.

Votes on Final Passage:

House	93	0
Senate	41	2

Effective: June 1, 1987

HB 352

C 179 L 87

By Representatives Cantwell, D. Sommers, Walk, Schmidt, Betrozoff and Meyers; by request of Department of Transportation

Modifying provisions relating to priority programming for highways.

House Committee on Transportation
Senate Committee on Transportation

Background: Under current law, there are three categories of highway construction within the Washington State Department of Transportation (DOT). They are:

Category A: Those improvements necessary to sustain the structural safety and operational integrity of the existing highway system, other than Interstate. This category contains most of the state bridge program and includes those projects which are 100 percent reimbursable from federal or other agency funds.

Category B: Improvements for the continued development and maintenance of the Interstate system. This program is funded with 90 percent federal dollars.

Category C: Major transportation improvements, other than interstate, including designated but unconstructed highways, congestion improvements and some major bridge improvements.

In recent years there has been increased emphasis at the federal and state level on the bridge program. The appropriation authority for the bridge program is contained in several different budget items within the DOT budget, making it difficult to manage and to provide legislative oversight.

Reimbursable projects, such as the Mount St. Helens highway being rebuilt with 100 percent federal funds, are currently appropriated in the Category A program. These 100 percent reimbursable projects tend to fluctuate dramatically and therefore distort an otherwise stable program.

Summary: A new non–Interstate bridge program, Category H, is created for the purpose of improved budgeting, management and reporting. Category H will include: 1) bridge replacement, rehabilitation and restoration previously funded in the Category A and Category C programs; and 2) bridge painting transferred from the maintenance budget (Program M).

The 100 percent reimbursable projects will no longer be funded in Category A and are transferred to Program R.

Votes on Final Passage:

House 97 0
Senate 47 0

Effective: July 26, 1987

SHB 353

C 393 L 87

By Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Nealey, Kremen, Rasmussen and Doty; by request of Department of Agriculture)

Modifying provisions relating to the department of agriculture.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: GRAIN DEALER AND WAREHOUSE LAWS. The state's agricultural warehouse laws require grain dealers and agricultural warehouses to be licensed by the Department of Agriculture. Those laws provide a person who deposits a commodity in such a warehouse or who sells it to a grain dealer with a first priority lien. The department has the authority to take certain specified actions in the event of the financial failure of a grain dealer or warehouseman.

APPLE ADVERTISING COMMISSION. The state's Apple Advertising Commission is created. The commission is required to provide a comprehensive research, advertising and educational campaign.

1961 AGRICULTURAL ENABLING ACT. The 1961 Agricultural Enabling Act is one of two enabling acts under which the producers of an agricultural commodity may establish a marketing agreement for the commodity. A marketing agreement is administered by a commodity commission or board. The members of the commission or board are elected under elections supervised by the Department of Agriculture.

COMMISSION MERCHANT STATUTES. The state's commission merchant statutes require agricultural commission merchants, dealers and limited dealers, brokers, cash buyers, agents and boom loaders to be licensed. The fees for such licenses are specified in law.

ORGANIC FOODS. Foods offered for sale may be advertised or labeled as being organic foods only if they satisfy certain requirements of state law. The laws regulating the sale of such foods are administered by the Department of Agriculture.

LIVESTOCK LIENS. The department administers a lien filing system for statements of security interest in livestock. The filing system is used under state law to determine whether a person registered under the Federal Packers and Stockyard Act takes livestock free of a security interest created by the seller of the livestock. The filing system does not satisfy the criteria established by the federal Food Security Act of 1985 for state lien filing systems used to protect such security interests.

OTHER. State law specifies the official chemists of the department and the procedures to be used in collecting assessments for the Beef Commission.

Summary: GRAIN DEALER AND WAREHOUSE LAWS. A civil penalty of not more than $1,000 is established for a violation of the laws governing agricultural warehouses and grain dealers. The termination date for certain liens provided by those laws is based upon the date the title to the commodity passes, rather than being based upon the time of the sale of the commodity. Evidence of an obligation which is based upon the storage of a commodity, rather than the sale of the commodity, may be provided by certain scale tickets.

The responsibility of the department to take possession of commodities in a warehouse upon the failure of a warehouse or grain dealer as a means of satisfying claims is expanded to include taking possession of commodities owned by the warehouseman or grain dealer that are in the warehouse. Certain provisions of the laws regarding commodity sales to grain dealers also apply to sales by a Washington producer to a grain dealer whose place of business is located outside the state. The financial information submitted with an application for a grain dealer or warehouse license is confidential and is not subject to public disclosure.

APPLE ADVERTISING COMMISSION. The Apple Advertising Commission is authorized to borrow money and incur indebtedness. The obligations incurred by the commission and other liabilities or claims against it can be enforced only against its assets. No liability for the debts or actions of the

commission exists against the state or its subdivision or instrumentality or a member, employee, or agent of the commission in his or her individual capacity. The liability of the members of the commission will be several and not joint.

1961 AGRICULTURAL ENABLING ACT. An alternative procedure is authorized for nominating members of commodity boards created under the 1961 Agricultural Enabling Act. Under certain circumstances, the director of the Department of Agriculture must give notice by mail of a vacancy to all affected producers or handlers and call for nominations in accordance with the marketing order.

The director must designate financial institutions which are qualified as public depositaries, under laws administered by the State Finance Committee, to receive monies for marketing act revolving funds. A commodity assessment under the act may be expressed as a percentage of the receipt price at the first point of sale. A provision of law establishing the maximum assessment on wheat as one-fourth cent per bushel is repealed.

ORGANIC FOODS. The director may adopt rules establishing a certification program for producers of organic food. The rules may govern the number and scheduling of on-farm visits, the submission of samples for analysis and other subjects. The rules may also include a fee schedule that will provide for the recovery of the full cost of the certification program. The fees must be deposited in an account within the agricultural local fund that is not subject to appropriation and will be used solely for carrying out this program.

COMMISSION MERCHANT STATUTES. Licensing fees for commission merchants, dealers and limited dealers, brokers, cash buyers, agents and boom loaders may be established by the director by rule.

LIVESTOCK LIEN. State laws are repealed which establish a procedure for filing statements of security interest in livestock with the Department of Agriculture and which specify the circumstances under which a person registered under the Federal Packers and Stockyard Act selling livestock for others takes the livestock free of any security interest created by the seller.

OTHER. The chief chemist of the Department of Agriculture's dairy and food laboratory replaces the dean of the College of Fisheries at the University of Washington as one of the official chemists of the department. While the federal order for the national beef promotion program is in effect, assessments levied for the Beef Commission will be collected as required by that order.

Retail sales of fresh or frozen lamb products imported from another country, including products from live lambs imported for slaughter in this country, must be labelled as to the country of origin.

The Department of Agriculture is authorized to develop an informational guide to state and federal programs which would be of assistance to farm families.

The director of the Department of Agriculture may establish the frequency of the audits to be conducted regarding the payment of assessments by egg handlers or dealers.

Removed from law is a requirement that 25 percent of the total salary of an at-large horticultural inspector be paid by warrants drawn upon the state treasurer.

Votes on Final Passage:

House	86	0	
Senate	47	0	(Senate amended)
House			(House insisted)
Free Conference Committee			
Senate	48	0	
House	98	0	

Effective: July 26, 1987
May 15, 1987 (Sections 15 and 27)

HB 358

C 25 L 87

By Representatives H. Sommers, Bristow, Holland, B. Williams, Patrick, Sayan, Silver, Braddock, Hine, Fuhrman, C. Smith, Wang, Valle and May

Revising provisions relating to the state actuary and creating a joint committee on pension policy.

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

Background: The legislature has had numerous interim committees on pensions. The most recent have been the Joint Committees on Public Retirement appointed during 1984 and 1986.

The office of the state actuary exists within the legislative branch. The state actuary is appointed by a state actuary committee consisting of three members of the Senate and three members of the House of Representatives. The actuary is required to be a member of the American Academy of Actuaries.

Summary: A Joint Committee on Pension Policy is created consisting of eight members of the Senate and

eight members of the House of Representatives. Representation is split evenly between the two major political parties.

The joint committee is required to (1) study pension funding issues, develop pension and funding policy and make recommendations to the legislature; and (2) appoint or remove the state actuary by a two-thirds vote of the committee.

The State Actuary Committee is abolished. The requirement that the actuary be a member of the American Academy of Actuaries is removed. All actuarial valuation and experience studies must be signed by a member of the academy.

Votes on Final Passage:

House	91	0
Senate	49	0

Effective: July 26, 1987

SHB 364

C 419 L 87

By Committee on Commerce & Labor (originally sponsored by Representatives Wang and Doty)

Changing provisions relating to contractor registration and disclosure.

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

Background: General and specialty construction contractors are required to register with the Department of Labor and Industries and post a bond or other security. Any person having a claim against the contractor for breach of contract, wages or materials supplied in the project may bring suit against the bond to recover. In many cases, the amount of the bond is not enough to cover the potential liability of the contractor. A default by the contractor in payment of wages or the cost of materials furnished for a project on an owner's property may result in the owner's property being subject to lien to enforce payment.

Summary: A contractor bidding on or performing construction work that has a contract price of $1,000 or more is required to provide the customer with a disclosure statement that includes the contractor's registration number. The disclosure statement must also reveal the amount of the contractor's bond and an explanation of steps that the customer might take to procure additional protection if a claim arises from the work done under the contract. The disclosure statement is not required for public works contracts, contracts for construction of more than four residential units or contracts between contractors.

A contractor who fails to provide a customer with the disclosure statement may not bring or maintain any action in court to collect compensation for work done under any contract subject to the disclosure provisions. Failure to comply is also an infraction under the contractor registration law.

The Department of Labor and Industries is directed to produce model disclosure statements and other educational materials to assist contractors and customers under the disclosure provisions.

The director of the department or authorized compliance inspectors may inspect and investigate job sites to determine whether the contractor is complying with the registration law. If the department reasonably believes that a contractor has failed to register as required, the director must issue an order immediately restraining further construction at the site. Procedures are provided for hearings and for enforcement of the department's order in superior court.

Votes on Final Passage:

House	97	0	
Senate	30	17	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	34	13	
House	96	0	

Effective: July 26, 1987

SHB 373

C 293 L 87

By Committee on Agriculture & Rural Development (originally sponsored by Representatives Grant, Jacobsen, Nealey, Rayburn, Brooks, Kremen, Holm, Sutherland and Rasmussen)

Directing the department of community development to conduct rural development studies.

House Committee on Agriculture & Rural Development
House Committee on Ways & Means/Appropriations
Senate Committee on Agriculture

Background: The Department of Community Development was created to aid in providing financial and technical assistance to communities and to assist in improving the delivery of governmental programs. Among the utilities regulated by the Utilities and

Transportation Commission under state laws are certain telecommunications companies.

Summary: The Department of Community Development and the Utilities and Transportation Commission are directed to investigate the feasibility of introducing office intensive industry into agriculturally based rural communities.

The department will examine trends in the office intensive industry and the extent to which it decentralizes its facilities; compare the cost of conducting work for these industries in rural versus nearby urban areas; determine whether the rural community has a sufficient telecommunications infrastructure to accommodate potential facilities; and examine certain related issues.

The commission will conduct a study to determine the number of party and private lines in a rural community selected by the department. The commission will determine the cost, feasibility, and desirability of converting to private lines.

The department and the commission will jointly develop recommendations for a program to update rural communities about telecommunications and computer applications to certain enterprises. The department and commission will submit the results of their studies to the governor and to the House and Senate committees on Energy and Utilities by January 1, 1988. The commission is also directed to conduct a study and provide the legislature with an annual report of the quality and extent of the state's telecommunication infrastructure.

Votes on Final Passage:

House	95	2	
Senate	49	0	(Senate amended)
House	91	2	(House concurred)

Effective: July 26, 1987

HB 374

C 163 L 87

By Representatives Rasmussen, Rayburn, McLean, Todd, Madsen, Holm, Grant, Vekich, Bristow, Pruitt, Moyer, Walker, Baugher, Nealey, Spanel, P. King, Jesernig and Doty

Authorizing the director of agriculture to regulate the sale, distribution and use of veterinary biologics.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: State law grants the director of the Department of Agriculture the general authority to prevent the spread of diseases in domestic and other animals in the state and to adopt rules and issue orders governing the inspection and testing of animals within the state or to be imported into the state. The director may also establish and enforce disease quarantines and embargoes.

Summary: The director of the Department of Agriculture will have the authority to regulate the sale, distribution, and use of veterinary biologics in the state. A veterinary biologic is a virus, serum, toxin or analogous product intended for use in the diagnosis, treatment, or prevention of diseases in animals. The director may adopt such rules to restrict the sale, distribution, or use of any veterinary biologic as the director deems necessary to protect the health and safety of animals and the public.

Votes on Final Passage:

House	86	0
Senate	47	0

Effective: July 26, 1987

HB 377

C 121 L 87

By Representatives Hankins, Walk and H. Sommers; by request of Office of Financial Management

Renaming the deferred compensation revolving fund.

House Committee on State Government
Senate Committee on Ways & Means

Background: The Committee for Deferred Compensation manages public employee deferred compensation plans. All committee expenses, including the investment of deferred compensation funds and staffing and administrative expenses, are paid for out of the Deferred Compensation Revolving Fund in the state treasury.

In 1984, the legislature enacted provisions requiring the director of the Office of Financial Management to adopt a comprehensive state budgeting, accounting, and reporting system that embodies national generally accepted accounting principles, known as "GAAP". GAAP requires that deferred compensation plans for public employees be accounted for, in agency funds, separately from associated staffing and administrative expenses.

Summary: State accounting requirements for public employee deferred compensation plans are amended to

comply with generally accepted accounting principles (GAAP):

The Deferred Compensation Revolving Fund is renamed the "Deferred Compensation Principal Account." Monies in the existing revolving fund are divided between the principal account and the newly created "Deferred Compensation Administrative Account." The principal account includes only the principal activities of the present revolving fund (investment of deferred compensation funds), while the administrative account includes only associated staffing and administrative expenses.

Votes on Final Passage:

House 92 0
Senate 48 0

Effective: July 26, 1987

HB 378

C 122 L 87

By Representatives Hankins, Walk and H. Sommers; by request of Office of Financial Management

Renaming the state employees' insurance board revolving fund.

House Committee on State Government
Senate Committee on Ways & Means

Background: The State Employees' Insurance Board (SEIB), in conjunction with the Department of Personnel, manages insurance plans for state employees. The State Employees' Insurance Revolving Fund finances SEIB's expenses, which include the payment of insurance plan premiums to insurance providers, staff salaries and other administrative costs.

In 1984, the legislature enacted provisions requiring the director of the Office of Financial Management to adopt a comprehensive budgeting, accounting, and reporting system that embodies national generally accepted accounting principles, known as "GAAP".

Summary: State accounting requirements for state employee insurance plans are amended to comply with generally accepted accounting principles (GAAP):

The State Employees' Insurance Revolving Fund is renamed the "State Employees' Insurance Principal Account." Monies in the existing revolving fund are divided between the principal account and a newly created "State Employees' Insurance Administrative Account." The principal account includes only the principal activities of the existing revolving fund (payment of premiums to insurance providers), while the administrative account includes only associated staffing and administrative expenses.

Votes on Final Passage:

House 93 0
Senate 49 0

Effective: July 26, 1987

HB 379

C 306 L 87

By Representatives Chandler, Lux, Silver, Prince, Peery, Locke, Wang, P. King and Winsley; by request of Insurance Commissioner

Regulating formation and operation of risk retention groups.

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

Background: Last year Congress passed the Liability Risk Retention Act which authorizes formation of risk retention groups and the purchase of insurance on a group basis. The act limits the insurance to liability coverages, prohibits insuring workers compensation type risks, and prohibits personal liability coverage such as homeowners and private passenger auto coverage. The act exempts risk retention groups from state insurance code provisions. Commercial enterprises may collectively establish and operate liability insurance companies for the benefit of the group without regard to many state insurance laws.

However, the act does permit some limited state supervision. Apart from the act's specific provisions indicating which state insurance laws will apply to risk retention groups, the act authorizes individual states to regulate certain aspects of these groups if there is a state law specifically directed at risk retention groups and group purchasing agreements.

Summary: Risk retention groups authorized by the federal Liability Risk Retention Act of 1986 are regulated.

If a risk retention group wishes to be chartered in Washington, the group must comply with insurance code provisions governing liability insurance companies, unless the federal act specifically exempts a particular activity from regulation under state law.

A risk retention group chartered in another state that wishes to conduct business in Washington, must submit a statement to the insurance commissioner identifying the state or states in which the group is

chartered and any other information that the commissioner may require to determine whether the group qualifies under the federal act. In addition, the group must supply the commissioner with other information including financial statements and examination reports.

If the commissioner of the state in which the group is chartered does not conduct an exam of the financial condition of a risk retention group within 60 days of request by the Washington commissioner, then the Washington commissioner may conduct the exam.

All premiums paid for coverages within Washington to risk retention groups are subject to taxes in the same manner as "foreign" admitted insurers are taxed, including taxes normally paid by agents or brokers.

Risk retention groups are subject to the Unfair Claims Settlement Practices regulations and the Unfair Practices Act of the insurance code.

Any policy issued by a risk retention group must contain a notice to the insured that the group is exempt from many state insurance provisions and is not covered by the state guaranty funds.

Risk retention groups are prohibited from selling insurance to a person ineligible for such coverage, and from selling coverage when the group is in poor financial condition.

No risk retention group may do business in Washington if an insurance company is directly or indirectly an owner of the group unless the group was established by insurers for the insurers' own risks.

No group may join the state guaranty funds nor receive any benefit from the existing funds.

All groups must participate in any joint underwriting association or similar plans established in this state.

Votes on Final Passage:

House	93	0
Senate	48	0

Effective: May 11, 1987

SHB 385

C 86 L 87

By Committee on Energy & Utilities (originally sponsored by Representatives Cooper, Spanel, L. Smith, Sutherland, Peery, Nutley, Walk, Dellwo, Wang, Cole and Brough)

Establishing procedures for designating ports of entry for radioactive waste.

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

Background: In order to keep better track of radioactive materials shipments and to ensure that trucks carrying them are in safe operating condition, two ports of entry into the state for such material have been designated by administrative rule. These ports of entry are Plymouth, near McNary Dam, and at the eastern extremity of I–90 in the state, east of Spokane. Federal policy is to emphasize transportation of radioactive materials on interstate highways.

The state administrative rule and the federal policy come into conflict in transporting low level radioactive waste from the Trojan nuclear power plant which is located near Rainier, Oregon and about five miles south of Longview, Washington. Interstate highway use would have the waste brought into Washington near Longview, down I–5 and I–205 back into Oregon to connect with I–84 going east to Plymouth. The state of Oregon has initiated negotiations with Washington on this matter.

Summary: Any additional ports of entry for highway transportation of radioactive waste must be authorized by the legislature. The act expires when Washington and one other eligible state enact an interstate agreement on radioactive materials transportation management.

Votes on Final Passage:

House	56	39
Senate	25	24

Effective: April 20, 1987

SHB 388

C 357 L 87

By Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, Valle, Cole, Unsoeld and Todd; by request of Department of Ecology)

Changing provisions relating to wastewater treatment facilities.

House Committee on Environmental Affairs
Senate Committee on Parks & Ecology

Background: In 1973, legislation was enacted requiring the certification of sewage treatment plant operators. The Department of Ecology sets standards for the qualification and certification of those who operate sewage treatment plants. Plants are classified as to their complexity and operators in charge are required to be certified in relation to plant complexity. Currently there are approximately 1,600 certified operators in Washington.

Operators who wish to become certified in Washington pay an application fee of $10. An annual renewal fee of $5 is required to maintain all certification. These fees are set in statute and have not been increased since the law was enacted in 1973. The Washington operator certification program is not self–supporting and is subsidized by referendum money.

Many operator certification programs in other states contain a requirement that the fee schedule support all program–related expenses. The initial certification fee in California ranges from $45 to $50, and the initial fee in Alaska, Oregon, and Idaho is $25. The annual renewal fee in those states ranges from $10 to $20.

Summary: The Department of Ecology is directed to establish a sewage treatment plant operator certification fee schedule sufficient to recover the costs of the certification program. The application fee for operator certification cannot exceed $50 and the annual renewal fee cannot exceed $30. The renewal period may not exceed three years. Individuals who fail to renew on time are subject to a 60–day certificate suspension.

The operator in charge of a treatment plant must be certified at a level equal to or higher than the classification level of the plant being operated. Shift operators must be certified no lower than one level lower than the classification rating of the plant.

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House	96	1	(House concurred)

Effective: July 26, 1987

SHB 391

C 352 L 87

By Committee on Judiciary (originally sponsored by Representatives Heavey, Padden, Appelwick, Schmidt and Dellwo)

Changing provisions relating to deeds of trust.

House Committee on Judiciary
Senate Committee on Judiciary

Background: Deeds of trust are used as an alternative to mortgage financing in Washington. In a real property sales transaction involving a deed of trust, at the time the property is sold the purchaser conveys his or her interest to a third party, the trustee, who holds the title until the purchaser satisfies the loan which was made for the purchase of the property. The trustee must be either: a corporation, title insurance company, or financial institution organized under state law; an attorney authorized to practice in Washington; or a federally chartered financial institution.

Prior to foreclosure on a deed of trust for failure of the purchaser–grantor to meet the underlying obligation, certain requirements must be satisfied. One requirement is that the lender–beneficiary of the deed of trust may not have initiated judicial proceedings to seek satisfaction on the underlying obligation. To commence a foreclosure on a deed of trust, notice must be provided to persons who have an interest in the property, whether because of a lien, lease, real estate contract or deed of trust or mortgage. Notice is not required to be given to the grantor–borrower.

Up to 11 days before a foreclosure sale, the grantor or his or her successor or any beneficiary under a subordinate deed of trust or lien may cause a discontinuance of the sale by paying the amount that is past due under the terms of the underlying obligation and the expenses actually incurred by the trustee in enforcing the note, including reasonable attorneys' fees.

The grantor or any other person who has an interest in the property may seek to restrain the sale upon proper grounds. If the property is a single family house occupied by the grantor, $250 bond must be posted to restrain the sale. In addition, the court must require that installment payments be paid into the court as they come due.

A filing in federal bankruptcy court stays the foreclosure proceeding until the bankruptcy court lifts the stay or discharges the debtor.

Summary: In addition to other entities authorized to act as trustee for a deed of trust, professional corporations consisting entirely of attorneys licensed in Washington may act as trustee.

A beneficiary under a deed of trust may not be deemed to have commenced an action, and thereby prevent foreclosure, if the beneficiary has sought the appointment of a receiver. If a receiver is appointed, the grantor is entitled to rents or profits derived from the property.

The grantor or the grantor's successor in interest must be notified of the foreclosure sale.

Any person who is permitted to cause discontinuance of a foreclosure sale may request any court, excluding a small claims court, to determine the reasonableness of any fees demanded or paid as a part of the reinstatement. The court may, in its determination of the issues, award reasonable attorneys' fees.

Any restraining order or injunction granted by the court will require the payment to the clerk of court of the sums that would be due on the underlying obligation. The court may also require additional security for

the payment of costs and damages, including attorneys' fees.

If a foreclosure sale has been stayed because of a filing in federal bankruptcy court, the trustee may set a new sale date for not earlier than 45 days after the date the bankruptcy court removes the stay. The trustee must provide notice to the interested parties at least 30 days before the new sale date and arrange for publication twice before the sale date.

Votes on Final Passage:

House	93	0
Senate	40	0

Effective: July 26, 1987

SHB 393

C 55 L 87

By Committee on Judiciary (originally sponsored by Representatives P. King, Padden, Appelwick and Schmidt)

Changing provisions relating to limited partnerships.

House Committee on Judiciary
Senate Committee on Judiciary

Background: In 1981, Washington adopted the Uniform Limited Partnership Act. The act provides for the filing of a certificate of limited partnership with the secretary of state. The certificate must include the names of all general partners and all limited partners. The certificate of partnership must also state specific details about the cash or property contributed by all partners, when a limited partner may assign his or her interest, what events may lead to termination of the partnership and additional matters determined by the general partners.

A domestic limited partnership is required to maintain an office in the state and have a registered agent who is a resident of the state to receive service of process. A limited partnership must include the words "limited partnership" in its name and may not have any word or phrase in its name that implies that it is organized for a purpose other than stated in the certificate of limited partnership. The limited partnership is required to keep books and records available at its office for review and copying by partners.

A limited partnership is dissolved by filing a certificate of cancellation with the secretary of state. Changes in a partnership may also require a certificate of amendment.

If a person required to execute a certificate of amendment or cancellation fails or refuses to do so, a partner or assignee of a partner may request a court to order that a certificate of amendment or cancellation be issued.

A person may be made an additional limited partner under the terms of the partnership agreement. The certificate of limited partnership on file with the secretary of state must be amended before the person becomes a limited partner.

A limited partner is not generally liable for the obligations of the limited partnership unless certain conditions are met. If the limited partner is also a general partner or participates in the control of the business, he or she may be liable for partnership obligations. In the latter instance, the liability is only to persons who transact business with the partnership with actual knowledge that the limited partner is participating in control. There are certain activities that a limited partner may engage in without incurring liability. These include: being an agent or employee of the limited partnership or of an officer, director or shareholder of a general partner; consulting with or advising a general partner; acting as a surety for the limited partnership; or proposing, approving or voting on certain matters relating to the operation of the limited partnership.

A creditor may enforce an obligation against a partner who has failed to make a promised contribution or has received money or other property in violation of the statute, even if the partnership agrees not to hold the partner liable.

Unless the partnership agreement provides otherwise, a limited partnership interest may be assigned. A partner ceases to be a partner upon assignment of all of his or her interest.

A foreign limited partnership must register with the secretary of state before commencing business in the state. The registration must include a statement of the general character of its business and a list of the partners if the list is not included in its certificate of limited partnership in the other jurisdiction.

The secretary of state may charge a fee for filing certificates relating to limited partnerships and for furnishing certified copies of those certificates and documents relating to limited partnerships. The fee for filing a certificate of limited partnership cannot exceed $100. The fee for filing other certificates cannot exceed $25.

Summary: The contents of the certificate of limited partnership filed with the secretary of state are changed. The certificate need only contain the names and addresses of the general partners. The names of the limited partners are not required to be included. The certificate need not incorporate provisions of the

partnership agreement relating to the cash and property contributed by the partners or the events that lead to termination. This information must be included in the written partnership agreement or be kept on file with other limited partnership records at the partnership offices.

The partnership must maintain an office which is located at a specific geographical location in the state. The registered agent of the partnership must give prior written consent which must be filed with the secretary of state and must have a specific geographical address. If the registered agent cannot be found or if he or she has not been appointed, service may be made on the secretary of state or any authorized clerk of the secretary of state's corporation department. A registered agent may resign by filing a duplicate written notice with the secretary of state. The agent's appointment terminates 30 days after the receipt of the notice.

A partnership must use the words "limited partnership" or the abbreviation "L.P." with its name. The current restriction on words or phrases that may be included in the name is removed.

The dissolution of a limited partnership is commenced by filing a certificate of dissolution with the secretary of state. When the winding up process is completed, a certificate of cancellation is filed with the secretary of state. The certificate of limited partnership is cancelled upon the effective date of the certificate of cancellation. A partnership may file a certificate of restatement indicating the new provisions of the certificate of limited partnership which incorporate previous amendments.

Any person adversely affected by the refusal or failure of a person to execute a certificate may petition the court to have the certificate executed.

A person becomes a limited partner on the date the original certificate is filed or the date stated in the records of the partnership, whichever is later.

A limited partner may participate in additional activities in the operation of the partnership without incurring the liability of a general partner. These include: taking any legal action permitted or required by law; requesting or attending a meeting of partners; winding up the partnership; exercising a right or power permitted to limited partners by law; or proposing or making decisions relating to the admission or removal of either a limited or general partner, a transaction involving a conflict of interest between the partnership and a general partner, an amendment to the partnership agreement or certificate and matters the partnership agreement permits the limited partners to approve or disapprove.

A creditor's ability to enforce a claim against a partner who has failed to make a promised contribution or improperly received money or other property is limited to the extent that the creditor relied on the obligation of the partner to make the contribution.

The effect of an assignment of a partnership interest is clarified. The assignee is entitled to share in profits, losses, deductions, credits and gains to the extent they are assigned by the assignor. The partnership agreement may provide that the partnership interest is evidenced by a certificate which may be assigned or transferred.

A foreign limited partnership must register in this state, but is not required to disclose the general nature of its business. The registration must include the names and addresses of all general partners and the address at which the names and addresses of the limited partners may be found. The foreign partnership must also promise to retain those records until the registration in this state is cancelled.

The statutory maximums on fees for filing certificates relating to limited partnerships are repealed.

Votes on Final Passage:

House	97	0
Senate	46	0

Effective: July 26, 1987

HB 395

C 261 L 87

By Representatives K. Wilson, Walk, Meyers and P. King

Authorizing the department of transportation to participate with owners of real estate in financing improvement projects.

House Committee on Transportation
Senate Committee on Transportation

Background: Since 1983, local governments have been able to contract with the owners of proposed developments for the developer to construct road and street improvements necessitated by growth attributed to the development. If it is anticipated that other land in the area will undergo similar development in the future, the local government can require that the improvements be sized to accommodate the anticipated future development as well. Under the contract between the local government and the original developer, the owners of lands which develop within 15 years—the "latecomers"—are required to reimburse the original developer for a pro rata share of the improvements.

Under 1986 legislation, the local government itself is authorized to participate in the cost of road and street improvements associated with a development, and, along with the original developer, to be reimbursed by "latecomers" for a pro rata share of its expenditure.

The state Department of Transportation often deals with developers who are willing to pay a portion or all of the cost of improvements which would mitigate impacts on state highway facilities in the vicinity of the development. However, the department lacks any authority to require "latecomers" who would also benefit from the improvements to repay either the original developer or the department for a proportionate share of the original cost.

This is one of five measures developed by the Task Force on Economic Development/Transportation Issues, established by the Legislative Transportation Committee in 1986 to address the transportation needs arising in areas of rapid economic growth.

Summary: The state Department of Transportation is authorized to enter into agreements with private developers whereby the developer and/or the department can be reimbursed by latecomer developers for the cost of state highway improvements necessitated by and benefitting both the original and subsequent developments.

The local government having jurisdiction in the area of the development would act as the agent of the department in developing the contract with the original developer and in collecting reimbursement from the later developers.

Votes on Final Passage:

House	95	0
Senate	47	0

Effective: July 26, 1987

HB 396

C 327 L 87

By Representatives Cantwell, Walk, K. Wilson, Meyers, Heavey, P. King and Todd

Authorizing counties and cities to establish transportation benefit districts.

House Committee on Transportation
Senate Committee on Transportation

Background: Local governments currently lack authority to comprehensively address the provision of road and highway facilities necessitated by economic development. City and county powers are instead provided in varying degrees to those units of government for various purposes. No single district has the authority to address improvements on city streets, county roads and state highways; nor has the power to utilize various funding sources such as property tax levies, local improvement district assessments and late-comer fees to fund those improvements. Local governments are currently prohibited from imposing development fees to help pay the costs of public services, including transportation facilities necessitated by development.

Many persons feel that a comprehensive approach, through a special purpose unit of government, would allow areas to best address and accommodate transportation needs associated with economic development.

This is one of five measures developed by the Task Force on Economic Development/Transportation Issues, established by the Legislative Transportation Committee in 1986 to address the transportation needs arising in areas of rapid economic growth.

Summary: Cities, towns and counties are authorized to establish transportation benefit districts to fund the capital improvement of city streets, county roads and state highways within the district. The improvement must be: 1) consistent with state, regional and local transportation plans; 2) necessitated by congestion levels attributable to economic growth; and 3) partially funded by local government or private contributions.

For counties, a benefit district may be created in all or in a portion of the unincorporated area and can include incorporated areas only with the approval of the city or town governing body. A city district can include the area of another city or unincorporated areas with city or county approval. Only that property which will benefit from a planned transportation improvement can be included within a transportation benefit district.

Creation of a transportation benefit district requires a public hearing and a determination by the county or city legislative authority that it is in the public interest to form the district. The local legislative authority is the governing body of a benefit district. District electors are all registered voters residing in the district. Dissolution is required when district obligations have been met.

The following sources of funding for benefit districts are provided: (1) single-year, voter-approved, excess property tax levies; (2) multi-year, voter-approved, excess property tax levies used to redeem general obligation (G.O.) bonds; (3) the issuance of G.O. bonds; (4) the formation of local improvement districts (LID's); (5) late-comer fees; (6) development fees related to transportation projects; and (7) acceptance of gifts, grants and donations.

Votes on Final Passage:

House	91	4	
Senate	29	19	(Senate amended)
House	96	0	(House concurred)

Effective: July 26, 1987

HB 399

C 210 L 87

By Representatives Wang, R. King, Patrick, Chandler, McMullen and Winsley; by request of Joint Select Committee on Industrial Insurance and Department of Labor and Industries

Revising provisions relating to industrial insurance premiums.

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

Background: Under Washington's workers' compensation system, the accident fund rate paid by most employers is based on their accident experience. In the construction industry, however, employers' rates are computed from a base rate that applies to all construction employers regardless of accident experience, except for a small allowance made under a modified experience rating formula. The rate may not exceed 120 percent of the rate necessary to assure that adequate premiums are collected to pay all claims for the construction industry class.

Summary: The provision is repealed that requires the industrial insurance premiums of the building industry to be computed on a base rate without regard to accident experience.

Votes on Final Passage:

House	95	0
Senate	44	0

Effective: July 26, 1987

HB 403

C 220 L 87

By Representatives Walk and Schmidt; by request of Department of Transportation

Transferring responsibility for aircraft registration and excise tax collection to the department of transportation.

House Committee on Transportation
Senate Committee on Transportation

Background: Pilot registration fees are currently collected by the Department of Transportation, but aircraft registration and aircraft excise taxes are collected by the Department of Licensing. This split of administrative responsibilities creates confusion for the taxpayer.

An increasing number of small aircraft are being certified by the Federal Aviation Administration to use motor fuel instead of aviation fuel. Although individuals using motor fuel in an aircraft are entitled to a refund of the state fuel taxes they paid, many do not bother collecting their refunds. If a refund is obtained, then use tax liability arises. The use tax is credited to the General Fund.

Summary: Responsibility for administering aircraft registration fees and aircraft excise taxes is transferred to the Department of Transportation (DOT). The cost for administering these programs will be met by transferring 10 percent of the aircraft excise taxes from the General Fund (GF) to the Aeronautics Account (AA). In addition, an annual transfer will be made from the Motor Vehicle Fund (MVF) to both the Aeronautics Account and to the General Fund. These transfers will equal the difference between .028 percent of gross motor vehicle fuel tax receipts and the total amount of refunds claimed for motor fuel purchases used for aviation purposes.

DOT is granted authority to require aircraft registrations on a staggered basis and to raise registration fees from $5 to $10. There is no plan to change either the collection date or to increase the fees for the 1987–89 biennium.

The fiscal effect of 1) transferring 10 percent of the General Fund portion of aircraft excise taxes to the Aeronautics Account, 2) transferring aircraft registration fees from the General Fund to the Aeronautics Account, and 3) transferring unclaimed motor fuel tax refunds out of the Motor Vehicle Fund to the Aeronautics Account and General Fund is as follows:

	GF	AA	MVF
10% share of aircraft excise	(42,465)	42,465	N/A
Aircraft Registration fees	(35,388)	35,388	N/A
Aviation Refunds	214,106	145,935	(360,041)
	$136,253	$223,787	($360,041)

An appropriation of $223,787 is made from the Aeronautics Account of the General Fund to the Department of Transportation. There is one additional full–time employee.

Votes on Final Passage:

House	97	0
Senate	40	0

Effective: July 26, 1987

HB 406

C 146 L 87

By Representatives Sayan, Patrick, H. Sommers, Holland, Grimm, Belcher, Wang and Hine

Revising provisions on retirement service credit for members of committees, boards and commissions.

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

Background: Public Employees' Retirement System (PERS), Plan I members must work 70 hours in a month in order to receive service credit for that month. However, prior to 1976 some persons appointed to various committees, boards or commissions were granted PERS credit for such service even though they worked less than 70 hours a month.

In 1976 PERS was amended to state that no member of PERS I appointed to a board, committee or commission after July 1, 1976 could receive service credit in any month the member was compensated for less than 10 days or 70 hours of service. PERS II members do not receive service credit unless they are compensated at a rate at least equal to 90 hours times the state minimum hourly wage.

The 1976 change made no reference regarding persons who were serving on a board prior to July 1, 1976, who were later appointed to a different board.

Summary: Any Public Employees' Retirement System (PERS), Plan I member serving on a committee, board or commission on June 30, 1976, who continued such service until later appointed by the governor to a different committee, board or commission may receive service credit in PERS even if the member works less than 10 days or 70 hours in a month.

Votes on Final Passage:

House	98	0
Senate	47	0

Effective: April 22, 1987

HB 410

C 119 L 87

By Representatives Rasmussen, Rayburn, Walker, Spanel, Pruitt, Todd, P. King and Winsley; by request of Superintendent of Public Instruction

Creating the state clearinghouse for educational information revolving fund.

House Committee on Education
Senate Committee on Education

Background: In 1986, the legislature directed the Superintendent of Public Instruction to collect and disseminate information on the state's educational system including in-state research and descriptions of exemplary, innovative and effective programs. The collection of information maintained by the Superintendent of Public Instruction is made available to the public at a nominal fee through the Clearinghouse for Educational Information.

Summary: The State Clearinghouse for Educational Information Revolving Fund is created in the custody of the state treasurer. The fund consists of monies appropriated to the fund, gifts, grants and fee revenues collected by the Superintendent of Public Instruction for materials that are distributed by the Clearinghouse for Educational Information. The Superintendent of Public Instruction is authorized to expend money from the fund for the payment of costs, expenses and charges incurred in the reproduction, handling and delivery of materials requested from or distributed by the Clearinghouse for Educational Information.

The fund is subject to the allotment procedure, but no appropriation is required for disbursements.

Votes on Final Passage:

House	94	3
Senate	49	0

Effective: July 26, 1987

SHB 413

C 430 L 87

By Committee on Judiciary (originally sponsored by Representatives Crane, Armstrong and P. King)

Providing additional grounds for the modification of child support.

House Committee on Judiciary
Senate Committee on Judiciary

Background: A party to a child support proceeding may ask the superior court to modify the child support order. The court may modify the order only by showing that there has been a substantial change of circumstances since the order was entered. Washington laws provide that as part of a proceeding for dissolution of marriage, the court may order child support after considering relevant factors. Washington courts have interpreted these laws to preclude a child support order requiring periodic adjustments based on an index such as the consumer price index. The procedure for requesting a modification of child support is governed by court rules.

Summary: The superior court, under certain limited circumstances, may modify a child support order even though there has not been a substantial change of circumstances. A party may request a modification of child support without showing a substantial change of circumstances if the order in practice works a severe economic hardship on a party or the child, if the child is in an age category different from the one on which the support award is based, if the child is in high school and will turn 18 before completing high school or if the request is to add an automatic adjustment of support provision. Voluntary unemployment or underemployment cannot, by themselves, constitute a substantial change of circumstances for purposes of supporting a modification of a child support order.

A procedure for modification of child support orders is established. A request for a modification of child support is commenced by filing a petition and financial affidavit with the superior court in the form prescribed by the administrator for the courts. The opposing party must be served with the petition and a copy of a blank financial affidavit. The Department of Social and Health Services must be notified of a petition to modify child support if the department has been assigned the claim. The hearing is held by the judge based on the petition and supporting affidavits unless the court determines that oral testimony is necessary for a fair determination of the issues. The administrator for the courts is directed to develop a set of model forms to be used in the modification process.

The superior court may include in a child support order a provision requiring annual adjustments based on changes in a party's income or the child's needs or changes in an index or schedule.

Votes on Final Passage:

House	88	9	
Senate	47	0	(Senate amended)
House	89	2	(House amended)

Effective: July 26, 1987

SHB 415

C 181 L 87

By Committee on Transportation (originally sponsored by Representatives Dellwo, Padden, Walk, P. King and Amondson)

Authorizing approved alcohol/drug treatment agencies to obtain driving records.

House Committee on Transportation

Senate Committee on Transportation

Background: The Department of Licensing maintains a case record on every driver licensed in the state of Washington. This record consists of all convictions and findings of traffic infractions certified by the courts, together with a record of each accident reported relating to such individual with a brief statement of the cause of the accident.

The case record is maintained in two parts. One part, referred to as the "employment driving record," contains information relating to accidents, motor vehicle law convictions and findings of traffic infractions committed while the person was operating a commercial motor vehicle as either an owner–operator or as an employee of another. The second part of the case record, commonly referred to as a "personal driving record," contains all other accidents, convictions and findings that the person has committed a traffic infraction.

Upon a conviction for driving while intoxicated a person is required either to complete a course in an alcohol information school, or to undergo more intensive treatment in a program approved by the Department of Social and Health Services. The court makes this decision based on a diagnostic evaluation and treatment recommendation prepared by an alcoholism agency approved by the Department of Social and Health Services.

The Department of Licensing is not authorized to release an individual's personal or employment driving record directly to an alcoholism treatment agency. This information is thought to be highly relevant in the agency's evaluation of the individual's possible alcohol related problems.

Summary: The Department of Licensing is specifically authorized to release an individual's personal and employment driving record to an alcohol/drug assessment or treatment agency approved by the Department of Social and Health Services to which the individual has applied or been assigned for evaluation or treatment. This record may cover a period of not more than five years.

City attorneys and county prosecutors are also authorized to release an individual's driving record to an approved alcohol/drug treatment agency.

Votes on Final Passage:

House	97	0
Senate	42	0

Effective: July 26, 1987

SHB 418

C 440 L 87

By Committee on Judiciary (originally sponsored by Representatives Armstrong, Schmidt, Holm, Brekke, Sutherland, Locke, Winsley and Todd; by request of Department of Social and Health Services)

Establishing a child support schedule commission.

House Committee on Judiciary
Senate Committee on Judiciary

Background: Child support obligations in Washington may be established in a dissolution of marriage proceeding, in a paternity action under the Uniform Parentage Act or in a child support proceeding under a child support law enacted in 1984. Child support may be determined through negotiation between the parties or may be set by the court. The dissolution of marriage law provides that the court may award child support that is "reasonable or necessary." The Uniform Parentage Act sets forth specific elements that are to be considered in determining the level of support owed by the non-custodial parent.

In 1982, the Superior Court Judges Association adopted voluntary guidelines for use by superior court judges in setting support awards. The Governor's Executive Task Force on Support Enforcement has recommended that the legislature adopt a mandatory statutory child support schedule.

Summary: The Child Support Schedule Commission is established. The commission members include the secretary of the Department of Social and Health Services and nine other members, seven of whom are appointed by the governor. The appointed members include a superior court judge, two attorneys, two individuals with interest or experience in child support economic data, and two persons who represent the affected populations. The administrator for the courts and the attorney general are also members. The Office of Support Enforcement will provide clerical assistance to the commission.

The commission must recommend a child support schedule to the legislature by November 1, 1987. The schedule must be based on updated economic data for Washington, provide for changes in child rearing costs based on a child's age, consider the need to provide funding for a child's primary residence, provide for health care and child care expenses, and consider the cost of living in each county. The commission is also directed to determine the type of income that should be considered, net or gross, and establish a mechanism for taking into account voluntary unemployment or underemployment and a parent's variable income.

The superior court of each county is required to adopt a child support schedule by August 1, 1987.

The act expires July 1, 1988.

Votes on Final Passage:

House	76	19	
Senate	35	10	(Senate amended)
House	89	9	(House concurred)

Effective: May 18, 1987

SHB 419

C 441 L 87

By Committee on Judiciary (originally sponsored by Representatives Hargrove, Wineberry, Padden, Brekke, Holm, Patrick, Winsley, Brough, Silver and Moyer; by request of Department of Social and Health Services)

Providing for administrative determination of paternity.

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

Background: Washington has adopted the Uniform Parentage Act (UPA). The UPA provides for a judicial means to establish whether there is a parent-child relationship. The UPA establishes circumstances in which a parent-child relationship is presumed to exist. These include instances in which the mother and the alleged father were married at the time of conception or had attempted to be married, instances in which the alleged father receives the child into his home as his child or instances in which the alleged father acknowledges paternity in writing. The UPA also establishes procedures for notifying an alleged father of the initiation of a court proceeding to establish paternity and for hearings on the issue of paternity. The Department of Social and Health Services provides funding to county prosecutors to pay for the costs of paternity establishment cases. The department also uses the attorney general for these cases.

In investigating a claim for support enforcement, the department may not question the mother about her sexual activity except to resolve a dispute about the child's parentage. If the mother states that a particular man is the father, the department may not question the mother further on her personal life unless the man denies that he is the father.

Summary: The Department of Social and Health Services is directed to augment its present paternity

establishment practice by hiring additional assistant attorneys general or contracting with private attorneys. Private attorneys may be hired only on six-month contracts and only in counties or judicial districts where prosecutors or the attorney general are unable to handle the caseload. The department is required to report to the Judiciary committees of the House and Senate and to the prosecutors about circumstances in which it hires private attorneys.

The department is authorized in the course of its investigation into the paternity of a child to question the mother about her sexual activity to the extent necessary to identify and locate possible fathers and establish paternity.

Votes on Final Passage:

House	91	4	
Senate	49	0	(Senate amended)
House	95	2	(House concurred)

Effective: July 26, 1987

SHB 420

C 435 L 87

By Committee on Judiciary (originally sponsored by Representatives Appelwick, Armstrong, Valle, Brekke, Holm, Sutherland, Locke and Winsley; by request of Department of Social and Health Services)

Creating the Washington state support registry.

House Committee on Judiciary
Senate Committee on Judiciary

Background: A parent who is entitled to receive payments for child support may seek the assistance of independent counsel or the Office of Support Enforcement to collect the support obligation. At the time of dissolution of marriage proceedings, the court may order support payments to be made directly to the other party, to the Department of Social and Health Services, or to the clerk of the court. The court may also order an assignment of earnings. Any court order establishing a duty of support must include notice to the obligated parent that a mandatory wage assignment may be ordered if the support obligation becomes past due by more than one full payment.

The Governor's Executive Task Force on Support Enforcement has recommended the establishment of a centralized registry to collect and disburse all support payments and to centralize records relating to support obligations in the state.

Summary: The Washington State Support Registry is established within the Office of Support Enforcement. The registry is responsible for collecting support payments, paying received funds to the entitled parent and maintaining records relating to support orders and debts.

The Department of Social and Health Services and the Department of Employment Security are directed to consult with business and employer groups on a single reporting system that meets the needs of both departments. A report must be made to the legislature by November 1, 1987.

Any superior court order and any administrative determination which establishes or modifies support obligations must include a notice that if one month's support payment is more than 15 days past due, payroll deduction may be initiated without further notice to the person obligated to pay support. The court may order child support payments to be made to the registry or, if the court approves, in the manner the parties agree. The court or administrative agency must send to the registry a copy of the order establishing or modifying the support obligation. The clerk of the court will be reimbursed for the costs of making the copies sent to the registry.

The Department of Social and Health Services may initiate payroll deduction of a parent obligated to pay child support if the support obligation is more than 15 days past due on one month's support amount. The employer is liable to the registry for 100 percent of the amount of support which could have been collected if the employer fails to make required payroll deductions or fails to respond to the notice of payroll deduction. The employer may deduct $10 from the employee's pay to cover the cost of the first payroll deduction and then $1 for each payroll deduction after the first.

A person obligated to pay support who is subject to a payroll deduction may petition the court to have the payroll deduction terminated if the person was not past due in support payments when the action to begin the deduction was initiated, or if the payroll deduction causes extreme hardship or substantial injustice. A person who has been subject to payroll deduction for one year may also petition to have the deduction stopped if there is no past due support.

The department must establish a procedure for setting support obligations at a fixed dollar amount if the order establishing the support obligation does not do so. The procedure must provide for notification to the party owing support. The notice must contain an initial finding of a support amount and direct the responsible parent to appear at an administrative hearing to determine whether this amount should be set as the support obligation.

Records maintained by the support registry are confidential and may be released only when authorized by law or when necessary for child support enforcement purposes. The address of a party to a custody action may be released to the other party after the notice of the request for the information has been given. If the party whose address has been requested shows that a court has limited the right of a party to contact the other party or has prohibited the disclosure, the department cannot release the information. Disclosure of information in violation of the act is a gross misdemeanor.

If a party to a custody proceeding initiates a mandatory wage assignment, the employer must pay the funds withheld to the support registry.

Votes on Final Passage:

House	50	46	
Senate	45	2	(Senate amended)
House	63	35	(House concurred)

Effective: January 1, 1988
May 18, 1987 (Section 4)

SHB 424

C 136 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Jacobsen, Appelwick, Allen, Cole, P. King, Ebersole, Valle, Hine, Belcher and Rayburn)

Providing for service credit for school district employees under the public employees' retirement system.

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

Background: Classified employees of school districts (i.e., bus drivers, cafeteria staff, etc.) are members of the Public Employees Retirement System (PERS). Members of PERS, Plan I must generally work 70 or more hours in a month to earn service credit for that month; members of PERS, Plan II must work 90 or more hours.

In 1973 PERS was amended to allow a member, who is employed by a school district on a continuing nine month basis and who earns nine months of credit in a fiscal year, to receive twelve months of credit for that year. The change applies to both PERS I and PERS II, but it was not made effective for years of employment prior to 1973. Members of the Teachers' Retirement System, Plans I and II, have received a full year of service credit for nine months employment since 1947.

Summary: Persons who retire after the effective date of this act will receive twelve months credit for nine months service for all prior years of service with a school district.

Votes on Final Passage:

House	90	1
Senate	49	0

Effective: July 26, 1987

SHB 425

PARTIAL VETO

C 522 L 87

By Committee on Energy & Utilities (originally sponsored by Representatives Nelson, Barnes, Jacobsen, P. King and Unsoeld; by request of Washington State Energy Office)

Revising provisions on district heating systems.

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

Background: Certain units of local government are authorized to establish district heating systems. The current description of energy resources available for district heating systems is not complete and not as well organized as it could be. Not included is the rapidly emerging technology in which heat pumps are allied with a warm water heat source. A commonly available warm water heat source is municipal sewage flow. The term "hydrothermal resource" includes this usage.

The current definition of "municipality" does not include metropolitan municipal corporations. An example, King County METRO, is a logical organization to derive energy from its sewage system.

Summary: Energy definitions with respect to district heating systems are reorganized and restated. A definition of hydrothermal resource is added. Metropolitan municipal corporations are added to the list of governmental entities defined under "municipality." The effect is that there is an additional energy resource authorized for use in district heating systems and an additional governmental entity that can become involved.

It is expressly stated that the grant of authority to operate a district heating system does not authorize the formation of an electric utility.

Before a municipality may establish heating systems or heating services, a public hearing must be held to assess impacts on rates of utility customers in the area to be served. Development of these systems or services

are to be done so as to minimize impacts on rates of customers of existing utilities.

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House	88	0	(House concurred)

Effective: July 26, 1987

Partial Veto Summary: The requirement to minimize impacts on rates of existing utilities is eliminated by the veto, as is the need to hold public hearings to assess impacts of a proposed heating system on rates of existing utilities.

2SHB 426

C 499 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Sutherland, Peery, Cole, Unsoeld and Todd; by request of Governor Gardner)

Establishing Columbia River Gorge interstate compact.

House Committee on Environmental Affairs
House Committee on Ways & Means/Appropriations
Senate Committee on Natural Resources and Committee on Ways & Means

Background: The Columbia River Gorge National Scenic Area Act was passed by Congress and signed by the President on November 17, 1986. The intent of the act was to 1) establish a national scenic area to protect the scenic, natural, cultural and recreational values of the gorge; and 2) to protect and support the economy of the Columbia River Gorge area.

The scenic area that is subject to the act consists of the area commonly seen from major traveled routes along the Columbia River between Washougal and Miller Island. This is a stretch of approximately 84 miles with an average width of two to three miles on either side of the river. Cities and some unincorporated communities are exempt from this regulation.

The act provides a two-tiered management system. First, the U.S. Forest Service (USFS) is charged with managing the special management areas. These are the more sensitive portions of the national scenic area. The other areas are under the jurisdiction of a bi-state commission to be established by the legislatures of the states of Oregon and Washington by November 17, 1987.

Once the Bi-state Columbia Gorge Commission is established, the USFS and the commission have three years to prepare a joint management plan. Counties would then have the option of incorporating the provisions of the plan into local ordinances. If they decided not to prepare local ordinances, the commission would be responsible for developing and implementing the ordinances. If the counties do prepare the ordinances, the ordinances are subject to review and approval by the commission. Once the ordinances are in place, the commission's role is primarily to hear appeals, prepare updates to the management plan and take enforcement actions.

The USFS is currently reviewing all permits issued in the scenic area for consistency with the act. If a new proposed action is inconsistent with the act, the USFS may condemn the use. Once the commission is established, it determines whether or not a use is inconsistent. The USFS still has condemnation authority, but decisions to condemn must be based on the commission's consistency determination. Once the county has implemented approved ordinances in place, the USFS loses its condemnation authority as long as the ordinances are properly implemented and maintained.

The act authorized $35 million to be spent in Oregon and Washington: $10 million for loans to encourage economic development; $10 million for the construction of an interpretative center in Oregon and a conference facility in Washington; $10 million for the USFS to develop recreational facilities; $2 million in special payments to counties in lieu of property taxes for land acquisitions; and $3 million for historic highway restoration in Oregon.

The act has a number of ramifications if the states and local governments fail to act. If the states fail to establish the commission: 1) The USFS will indefinitely retain its authority to review all land uses outside the urban areas and to condemn all new uses judged by the USFS to be inconsistent with the purposes of the law; 2) $10 million authorized for economic development would be re-authorized for federal land acquisition; and 3) the remaining $25 million would be delayed indefinitely.

If the commission is established, but a county fails to adopt and implement appropriate land use controls: 1) the commission will prepare and implement such controls; and 2) none of the $35 million authorized for economic development, construction of interpretive and conference facilities, special payments or recreational facilities will be available for any county which does not have in effect a land use ordinance approved by the commission and the USFS.

Summary: The legislature ratifies an interstate compact with the state of Oregon to establish the

Columbia River Gorge Commission. The commission will operate in accordance with the federal Columbia River Gorge National Scenic Area Act.

The commission is authorized to enact land use ordinances. If a county fails to adopt land use ordinances consistent with the Columbia River Gorge management plan, the commission is authorized to adopt ordinances for that area. Three members of the commission will be appointed by the governor, one of whom must reside in the scenic area. In addition, one member will be appointed by each of the governing bodies of Clark, Skamania and Klickitat counties. The same appointment procedure will apply in Oregon. The appointment provisions are consistent with the provisions required by the federal act. All of the governor's appointments are subject to the consent of the Senate.

Procedures for the commission to follow regarding budget preparation, compensation for travel expenses and hiring staff are specified.

Amendments are incorporated into city and county land use planning statutes, including the Shoreline Management Act, to clarify that state and local planning actions in the Columbia River Gorge National Scenic Area must be consistent with the federal law, the interstate compact and the regulations and ordinances adopted by the commission.

The provisions in existing law regarding the Washington Columbia River Gorge Commission and the Select Committee on the Columbia River Gorge are repealed.

Votes on Final Passage:

House	93	4
Senate	40	7

Effective: May 19, 1987

SHB 430

C 457 L 87

By Committee on Trade & Economic Development (originally sponsored by Representatives Fisch, Jacobsen, B. Williams, Schoon, Lux, P. King, Day, Kremen, Basich, Unsoeld, Pruitt and Hargrove)

Authorizing creation of employee cooperatives.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

Background: Washington state laws do not explicitly authorize employee cooperatives as a separate form of corporation. Existing state law recognizes cooperative associations under provisions of law drafted in 1913 to regulate agricultural cooperatives. These provisions were drafted to meet the needs of associations of independent producers rather than those of cooperatives composed of a firm's employees. Employee cooperatives have been incorporated under existing state laws, most notably the state's cooperative plywood firms, but the laws are not well suited to the nature of the cooperative firms.

Employee ownership has been used as a tool to retain jobs lost in plant closures in recent years, especially in economically distressed areas. Firms organized in this way have experienced a significant success rate nationally. Studies of such firms report substantial productivity gains following the adoption of employee ownership. The federal Deficit Reduction Act of 1984 contained important financial incentives for employee stock ownership plans. A percentage of dividend and interest income is deductible under these provisions. The Tax Reform Act of 1986 retained the financial incentives for employee ownership.

Summary: The Employee Cooperative Corporations Act is created. A Washington corporation may incorporate as an employee cooperative by filing articles of incorporation under the act. Membership in an employee cooperative is limited to employees of the cooperative. Employee cooperatives must issue a class of voting stock designated as "membership shares." A member may own only one share of stock in the cooperative. Only membership shares will be given voting power in an employee cooperative.

The net earnings of an employee cooperative will be allocated according to the amount of work performed by a cooperative member. The earnings must be paid according to the ratio of the member's work for the cooperative to the total work performed by all cooperative members. An employee cooperative may establish a system of internal capital accounts to reflect the value of membership shares. An employee cooperative is required to provide for the redemption of its shares upon an employee's termination of membership. Earnings and losses may also be assigned to a collective reserve account and used for corporate purposes as determined by the directors. Employee cooperatives may only merge with other employee cooperatives. Cooperative membership shares are exempted from regulation as securities.

The Department of Community Development is directed to establish an employee ownership program. The program must provide technical assistance to employee cooperatives and conduct educational programs on employee ownership. The program must maintain a listing of resources on employee ownership and cooperate with and utilize existing state resources

in delivering services. The director of the department is directed to form an employee ownership advisory panel to assist in the development of the program. The department is directed to report annually to the governor and legislature on program accomplishments.

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 1987

HB 431

C 176 L 87

By Representatives Ferguson, P. King, Holland, Heavey, Scott, Ebersole, Patrick, Haugen, Walk, Ballard, Sanders, May, J. Williams, Schmidt, Walker, Betrozoff, Amondson and Miller

Exempting emergency vehicles from restrictions on television receivers and headphones.

House Committee on Transportation
Senate Committee on Transportation

Background: When operating a motor vehicle upon a public highway, the driver is prohibited from: (1) having a television screen or viewer forward of the driver's seat or anywhere it is visible to the driver; and (2) wearing a headset or earphones capable of receiving a radio broadcast or playing a tape that muffles other sounds.

Because the noise created by fire truck diesel engines and sirens exceed the decibel readings permitted by the Department of Labor and Industries, the use of ear protection has been mandated. This makes it impossible for the driver and responding personnel to hear the radio transmissions. Allowing the driver of an emergency vehicle to use radio headsets preserves the hearing, while at the same time clarifies transmissions from the dispatch center.

In other areas of the country the use of computer terminals visible to the driver of an emergency vehicle is allowed. The City of Bellevue's Police and Fire Departments would like to install computer terminals in their vehicles and have asked that authorized emergency vehicles be exempt from the prohibited use of television screens.

Summary: An authorized emergency vehicle equipped with a television screen visible to the driver may be driven upon a public highway. The driver of the vehicle may wear a radio headset or earphones when operating upon a public highway. An authorized emergency vehicle is defined as any vehicle of a fire department, sheriff's office, coroner, prosecuting attorney, Washington State Patrol, public or private ambulance service, or any other vehicle authorized by the Commission on Equipment.

Votes on Final Passage:

House	94	1
Senate	48	0

Effective: July 26, 1987

HB 432

C 366 L 87

By Representatives Chandler, Lux, Ballard, McMullen, Winsley and Zellinsky

Regulating fraternal benefit societies.

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

Background: Fraternal benefit societies are regulated under the insurance code. Fraternal benefit societies are distinguished from other fraternal organizations by the fact that benefit societies are licensed insurers under supervision of the insurance commissioner. Fraternal benefit societies may only insure members of the society. These societies typically provide life insurance benefits but may provide other insurance benefits, such as disability benefits.

Summary: The insurance code provisions governing fraternal benefit societies are revised. The insurance aspects of the societies have been updated to grant more flexibility in structuring operations; permit modern insuring powers; and require greater financial resources before providing insurance. In addition, societies must comply with the unfair practices provisions of the Washington State Insurance Code.

Votes on Final Passage:

House	93	4	
Senate	45	2	(Senate amended)
House	68	28	(House concurred)

Effective: January 1, 1988

HB 435

PARTIAL VETO

C 514 L 87

By Representatives Hankins, H. Sommers and Brooks; by request of Department of General Administration

Revising provisions on inactive real estate licenses.

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

Background: REGULATION OF REAL ESTATE BROKERS AND SALESPERSONS – STATE EMPLOYEES. Currently, state law does not prohibit a state employee who conducts real estate transactions on behalf of the state from maintaining an active real estate license. Some agencies, by policy, require such licensed employees to be inactive. A person who has been inactive for more than three years must complete a 30–clock hour course in real estate within one year prior to applying to return to active status.

REGULATION OF PROFESSIONS – SUNRISE REVIEW. Recent debate has occurred regarding the utility of professional regulation. One view is that regulation may not be necessary to protect the public but instead creates unnecessary barriers to entry into a profession and raises costs to consumers.

In 1983, Washington established a sunrise review process for health professions. Legislative intent is stated that no regulation shall be imposed except for the purpose of protecting the public interest. Upon request by the appropriate legislative committee, any interest group seeking regulation of a health profession not presently regulated or which proposes to substantially increase the scope of practice of a profession currently regulated must justify its proposal by addressing statutory criteria. The interest groups must submit the information to the state health coordinating council, which then makes recommendations to the legislature.

TAXATION OF REAL ESTATE TRANSACTIONS. Currently, the assumption of the balance due on an obligation secured by a mortgage or deed in lieu of forfeiture is exempt from real estate excise taxation when no other payment is received by the original borrower. If, however, the holder of the obligation required payment in full and refinancing, for example, the transfer would not be exempt and would be subject to the tax.

Summary: REGULATION OF REAL ESTATE BROKERS AND SALESPERSONS – STATE EMPLOYEES. State employees conducting real estate transactions on behalf of the state are prohibited from holding active real estate licenses. Such persons are exempt from the requirement that licensees inactive for more than three years must complete a 30–clock hour course within one year prior to applying to return to active status.

REGULATION OF PROFESSIONS – SUNRISE REVIEW. A sunrise review process for business professions is created. An interested party proposing regulation of a business professional group not currently regulated must justify its proposal by addressing statutory criteria, to the extent requested by the legislature. The requirements also apply to interested parties proposing legislation to substantially increase the scope of practice or level of regulation of a currently regulated profession. Proposals relating solely to continuing education are excluded.

The criteria are the same as those applicable to the sunrise review of health professions. Among other factors, an interested party must explain why regulation is needed, the alternatives considered, and the costs of regulation. Reviews will be conducted by the Department of Licensing.

TAXATION OF REAL ESTATE TRANSACTIONS. Transfers of property where no other consideration passes to the vendor beyond relief from debt are exempt from the real estate excise tax.

Votes on Final Passage:

House	97	0	
Senate	49	0	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	41	2	
House	97	0	

Effective: July 26, 1987

Partial Veto Summary: The provision adding a real estate excise tax exemption is vetoed. (See VETO MESSAGE)

SHB 440

PARTIAL VETO

C 379 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Unsoeld, Belcher, Jacobsen, Sayan, Lux and Holm)

Revising provisions relating to retirement of elected officials of cities and towns.

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

Background: A person holding elective office in a city or town is not required to become a member of the Public Employees' Retirement System (PERS) but is given the option to join. A person who is a PERS member by virtue of his or her full–time employment and who is also later elected to office in a city or a town may exercise the option to be a member of PERS under both positions. This would allow the member to use the compensation from both positions to calculate his or her retirement allowance. However, once such an elected official decides to become a member of PERS, he or she does not have the option of terminating that membership during the term of office.

A PERS member who is employed by two or more PERS employers generally cannot receive retirement benefits until he or she retires from service with all the PERS employers. Therefore a PERS member who retires from the member's regular employment but who continues to be a PERS member due to holding elective office in a city or town may not receive a retirement allowance.

Approximately 20 cities in Washington state pay their mayors in excess of $10,000 per year; approximately four cities also pay their council members in excess of that amount.

Summary: A Public Employees' Retirement System (PERS) member who is an elected official of a town or city and who receives no more than $10,000 per year for such service may end his or her membership in PERS without resigning from the elective office. A member who wishes to exercise this option must retire from all other PERS employment and must agree to irrevocably abandon any claim for service for future periods served as an elective official of a city or town.

An elected official who was eligible to establish membership in PERS, Plan I but did not do so, may pay the required member contributions plus interest from the time of initial eligibility and be granted membership in PERS, Plan I. Payments must be made by June 30, 1988.

Votes on Final Passage:

House	91	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 26, 1987

Partial Veto Summary: The partial veto eliminates the provision that would have allowed an elected official who was eligible to establish membership in PERS, Plan I, but did not do so, to be granted membership in Plan I. The elected official would have had to pay the required member contributions plus interest from the time of initial eligibility. (See VETO MESSAGE)

SHB 445

C 2 L 87

By Committee on Commerce & Labor (originally sponsored by Representatives Wang, Jacobsen, Sayan, R. King, Lux, Wineberry, Brekke, Fisher, Niemi, Leonard, P. King, Dellwo, Cole, Basich, Heavey, Unsoeld and Todd)

Authorizing unemployment compensation for certain locked–out workers.

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

Background: An employee who is unemployed due to a stoppage of work that exists because of a labor dispute at the employee's workplace is disqualified from receiving unemployment compensation benefits. The Washington State Supreme Court has held that the term "labor dispute" includes the lockout of employees by an employer when the lockout results from a controversy over wages, hours, work requirements, fringe benefits, working conditions or other terms of employment.

The disqualification from benefits does not apply if the employee is not directly interested in the labor dispute and does not belong to a grade or class of workers that are directly interested in the dispute.

Summary: Until December 27, 1987, an employee is not disqualified from receiving unemployment compensation benefits if the unemployment is due to a lockout by the employer, unless the lockout is called by members of a multi–employer bargaining unit after one employer has been struck as a result of the multi–employer bargaining process. For an employee to qualify for benefits, the employee's collective bargaining agent must have notified the employer that the employees are willing to return to work, pending the ratification of a new collective bargaining agreement under the terms of the employer's last offer prior to the lockout. However, the employees are not required to be willing to return to work if the last offer represented a substantial deterioration of the terms and conditions of employment that existed prior to the expiration of the last collective bargaining agreement. There is a four–week waiting period before benefits may be paid to qualified employees.

Benefits paid to an employee due to a nondisqualifying lockout for weeks of unemployment prior to the

act's effective date are not charged to the experience rating account of any base year employer.

The Employment Security Department is directed to report the number of claimants receiving benefits and the total amount of benefits paid under the act to the Commerce and Labor committees of the Senate and House of Representatives by January 1, 1989.

Retrospective application to November 16, 1986, is specified.

Votes on Final Passage:

House	61	36	
Senate	26	23	(Senate amended)
House	62	34	(House concurred)

Effective: February 20, 1987

2SHB 448

PARTIAL VETO

C 434 L 87

By Committee on Ways & Means (originally sponsored by Representatives Brekke, Winsley, Braddock, Dellwo, H. Sommers, P. King, Wang, Holm, B. Williams, Haugen, Fuhrman, Heavey, L. Smith, Miller and Barnes; by request of Governor Gardner)

Establishing the family independence program.

House Committee on Human Services
House Committee on Ways & Means
Senate Committee on Human Services & Corrections and Committee on Ways & Means

Background: The Aid to Families with Dependent Children Program (AFDC) was created by the Social Security Act of 1935 as a response to the poverty created by the Depression, and as an ongoing source of support for those who were unable to support themselves.

By the early 1980s the federal government, while not successful in passing national legislation requiring work in exchange for benefits, had passed legislation allowing the states to develop their own work and training programs.

Interest remains high among most of the states and at the national level to develop programs that successfully encourage AFDC recipients to seek self-sufficiency and economic independence.

Summary: The Family Independence Program is established as a five-year demonstration project within the framework of the Social Security Act as an alternative to the current Aid to Families with Dependent Children (AFDC), Food Stamps and Medicaid programs. It is intended to assist applicants and recipients to achieve economic independence by providing financial incentives, child care, medical benefits, education, training and job placement activities. A basic level of financial and medical assistance is provided for those persons unable to participate in education, training or work programs.

An executive committee is established to administer the program. The executive committee consists of the secretary of the Department of Social and Health Services, the commissioner of the Employment Security Department, a program official from each of those agencies responsible for the program, a representative of the Office of Financial Management and two non-voting former recipients of public assistance. A 10 to 20 member advisory committee to the executive committee is established for consultation purposes. A system of family opportunity councils is established in each of the six Department of Social and Health Services regions to select at least six of the members of the advisory committee as well as to provide support to enrollees achieving self-sufficiency. The council will be made up of current and former recipients, and non-profit organizations involved in working with public assistance recipients.

The Family Independence Program will include training and education opportunities ranging from basic remedial education through higher education, job creation and development, job placement in both subsidized and unsubsidized positions, job skills training, self-esteem and motivation building activities, and parenting education. Incentive benefits will be paid to those enrolled in education, training and work activities. Benefits will be paid based upon a benchmark standard established by the legislature which includes the AFDC cash grant and the cash equivalent of food stamps as determined by family size. One hundred and five percent of the benchmark will be paid to those in education and training, including teen parents remaining in school. One hundred and fifteen percent of the benchmark will be paid to those employed part-time and 135 percent of the benchmark will be paid to those employed full time. Those unable to participate will receive 100 percent of the benchmark.

Due process rights are guaranteed to enrollees. Fair labor practices and guarantees are included to ameliorate any potential displacement of current employees or those already in the labor market. Child care and medical benefits will continue to be provided for one year after an enrollee exceeds the maximum income level.

The Family Independence Program will be voluntary for the first two years of the program. After that time, it may be mandatory in regions where more than

50 percent of the job–ready participants have been placed within three months. Certain persons are exempt from participation in the program. Those exempt include a parent with a child under three years of age unless the family has been on assistance for more than three years, then the age of the child decreases to six months. All first–time recipients are exempt from participating for six months.

The program may not be implemented in counties where the unemployment rate is more than twice the state average. In one region where the program is implemented, the Department of Social and Health Services must conduct a pilot project on universal mandatory monthly reporting.

The executive committee is required to provide implementation plans to the legislature by January 1, 1988. The Legislative Budget Committee will administer the evaluation of the program. As a demonstration project, the Family Independence Program requires waivers from the federal government. Those proposed federal/state agreements and implementation plans must be specifically approved by the legislature. The program cannot be implemented prior to February 28, 1988.

Votes on Final Passage:

House	92	5	
Senate	49	0	(Senate amended)
House	92	3	(House concurred)

Effective: July 26, 1987

Partial Veto Summary: Provisions dealing with (1) the definitions of "Family Opportunity Councils" and "full time" employment; (2) the mandatory monthly reporting pilot project; and (3) the requirement that the Family Independence Program cannot be implemented in counties with more than twice the state's unemployment rate are vetoed. (See VETO MESSAGE)

SHB 450

C 331 L 87

By Committee on State Government (originally sponsored by Representatives H. Sommers and B. Williams; by request of Governor Gardner)

Revising and reorganizing laws pertaining to the cemetery board.

House Committee on State Government

Senate Committee on Governmental Operations

Background: The Cemetery Board, created in 1953, consists of six members appointed by the governor who serve staggered four–year terms. The board employs one staff person, who is exempt from civil service.

The board is responsible for administering and enforcing laws pertaining to cemeteries, morgues and human remains. It issues certificates of authority and has substantial oversight and monitoring responsibility for cemetery trust funds and reports. It examines pre–arrangement trust and endowment care funds and receives and examines annual reports from each cemetery authority. The board sets an annual regulatory charge that is limited in statute for cemeteries' authorities.

The board has the authority to hold disciplinary hearings, administer oaths and refer evidence regarding violations of its rules or state law to the attorney general or the appropriate prosecuting attorney for prosecution.

The Legislative Budget Committee has conducted a sunset review of the Cemetery Board and included recommendations that: (1) the Cemetery Board continue as currently constituted; however, if placed within another agency, it should retain its organizational identity; (2) enabling legislation be amended to provide for greater administrative authority to protect trust funds; and (3) the board increase its range of disciplinary options.

Summary: Administrative functions of the Cemetery Board are transferred to the Department of Licensing. The department provides staff for the board and sets all fees and charges. The authority of the board to employ staff is deleted.

The board retains its current policy–making character. It will continue to adopt rules, investigate complaints, grant or deny permits and licenses, and impose penalties and sanctions and take other corrective action.

The board has added authority to protect trust funds by allowing the board to immediately seize funds that are in jeopardy. Criminal penalties and consumer protection remedies are expanded.

Votes on Final Passage:

House	96	0
Senate	48	0

Effective: July 1, 1987

HB 452

C 487 L 87

By Representatives Locke, Cole, Wang, Belcher, O'Brien, Pruitt, Leonard, Unsoeld, McMullen and Miller; by request of Governor Gardner and Superintendent of Public Instruction

Changing provisions relating to school–based day–care.

House Committee on Education
House Committee on Ways & Means/Appropriations
Senate Committee on Education

Background: The authority of school districts, under the Nursery School Act, to provide day–care services has been widely debated. On January 6, 1987, the Attorney General issued an opinion stating that school districts have authority to provide programs that offer day–care for children, including children not enrolled as students of the school district. However, school districts need legislative authority to contract for provision of day–care services with public or private entities; to establish sliding scale fee schedules, reduced fee schedules or fee waivers for the cost of such services to individuals; or to provide transportation for children to the program using school district transportation services.

Summary: School districts may contract for the provision of child care by public or private entities. These contractors may provide all or part of the management and operation of the child care program at the school district site or elsewhere.

School districts may base charges on the cost of services. They may provide for a reduction or waiver of charges in individual cases based on financial ability or parents' volunteer activities. Basic education funds appropriated by the state may not be used to provide day–care.

School districts may provide transportation for children enrolled in the child care program using district–owned school buses and other motor vehicles, or by contracting for such transportation. However, a school district may not use state school transportation funds for school–based day–care programs. When transportation is provided for children in school–based day–care programs, no child three years of age or younger may be transported unless accompanied by a parent or guardian.

Votes on Final Passage:

House	61	36	
Senate	27	22	(Senate amended)
House	64	33	(House concurred)

Effective: July 26, 1987

SHB 454

C 330 L 87

By Committee on State Government (originally sponsored by Representatives Cooper, H. Sommers, B. Williams and Unsoeld; by request of Governor Gardner)

Revising various boards and commissions.

House Committee on State Government
Senate Committee on Governmental Operations

Background: WORK STUDY ADVISORY COMMITTEE. The Work Study Advisory Committee (referred to in statute as a panel) was created as part of the College Work Study Program in 1974. It advises the Higher Education Coordinating Board on the structure, operating rules, and allocation of funds for the Work Study Program. The ten–member committee has representatives from four–year public universities, four–year private universities, community colleges, vocational–technical schools and labor.

STATE BOARD FOR CERTIFICATION OF LIBRARIANS. The State Board for Certification of Librarians was created in 1935 to establish testing and educational procedures and to issue required certificates for professional librarians. The board consists of the state librarian, the director of the School of Librarianship at the University of Washington, and a member nominated by the Washington Library Association and appointed by the governor.

STATE ENERGY ADVISORY COUNCIL. The State Energy Advisory Council was established in 1981 and has 13 members. Nine members are appointed by the governor, two members are from the Senate, and two members are from the House of Representatives, equally representing both parties. The council advises the director of the State Energy Office and provides guidance in setting the state's energy policies.

MOBILE HOME AND RECREATIONAL VEHICLE ADVISORY BOARD. The Mobile Home and Recreational Vehicle Advisory Board advises the director of the Department of Labor and Industries on design standards, construction, inspection procedures, and rules and regulations on the manufacture of mobile homes and recreational vehicles. The board consists of eight members appointed by the governor on the advice of the director of Labor and Industries.

FACTORY BUILT HOUSING ADVISORY BOARD. The Factory Built Housing Advisory Board advises the director of the Department of Labor and

Industries on rules and regulations relating to the safety and structural soundness of factory built structures. The board is composed of 11 members appointed by the governor. The members are broadly representative of industries and professions involved in factory built structures.

STATE COMMISSION ON EQUIPMENT. The Commission on Equipment adopts and enforces rules and regulations on vehicles, vehicle equipment and tow truck operators who tow vehicles at the request of the Washington State Patrol. The commission consists of the chief of the Washington State Patrol, the director of Licensing and the secretary of Transportation.

FOREST PRACTICES ADVISORY COMMITTEE. The Forest Practices Advisory Committee was created in April 1974 to propose regulations for the Forest Practices Board. The committee completed its work in August 1974 and is not active.

WINTER RECREATION ADVISORY COMMITTEE, SNOWMOBILE ADVISORY COMMITTEE AND THE FOREST PRACTICES BOARD. The Winter Recreation Advisory Committee, the Snowmobile Advisory Committee and the Forest Practices Board include in their membership citizen members, representatives of state agencies, and county legislative representatives. Only the agency representatives and the county representatives are not reimbursed for travel expenses, but must look to their respective department, county government or association for payment of travel expenses.

COMMUNITY COLLEGE BOARDS OF TRUSTEES. Each community college district has a board of five trustees appointed by the governor. Each trustee shall be a resident and qualified elector of the community college district and can not be an employee of the community college system, a school board member, a governing board member of any public or private educational institution or an elected officer or member of a municipal corporation legislative authority.

Summary: The Higher Education Coordinating Board is authorized to delegate to the board's executive director, program management and other duties assigned to the board except rule-making authority.

The references to a panel which makes recommendations to the Higher Education Coordinating Board on the state's Work Study Program are eliminated, and the functions are assumed by the board.

The State Board for Certification of Librarians is abolished, and its powers and duties are assigned to the State Library Commission.

The Energy Advisory Council is abolished and the director of the Washington State Energy Office may establish advisory committees as necessary.

The Mobile Home and Recreational Vehicle Advisory Board is renamed the Factory Assembled Structures Advisory Board. The Factory Built Housing Advisory Board is abolished and its duties are transferred to the new board. The new board consists of nine members who are representative of consumers and the industry and are appointed by the director of Labor and Industries, instead of the governor.

The Commission on Equipment is abolished and its duties transferred to the chief of the Washington State Patrol.

The law creating the Forest Practices Advisory Committee is repealed.

All members of the Winter Recreation Advisory Committee, the Snowmobile Advisory Committee and the Forest Practices Board are eligible to receive reimbursement for travel expenses.

A community college district trustee is no longer prohibited from also serving as an elected officer or member of a municipal corporation legislative authority.

Votes on Final Passage:

House	91	6	
Senate	42	4	(Senate amended)
House	96	0	(House concurred)

Effective: July 26, 1987

2SHB 455

C 2 L 87 E1

By Committee on Ways & Means (originally sponsored by Representatives Ebersole, Holm, Peery, Cole, Appelwick, Pruitt, Hine, Locke and Unsoeld; by request of Governor Gardner)

Enhancing the financing and management of the states' schools.

House Committee on Education
House Committee on Ways & Means
Senate Committee on Education

Background: In 1977, the legislature enacted the Basic Education Act. Prior to the act's passage, several larger Washington school districts experienced a series of school levy failures. In addition, the original school funding court case was decided. One of the 1977 Legislature's responses to these events was a plan to phase down districts' maintenance and operations levies to a maximum of 10 percent of state allocations. However, the 1977 act granted most districts "grandfather" levy

authority above 10 percent to cushion the levy lid's immediate impact on school district revenues. Since that enactment, the levy lid statute has been amended a number of times to postpone the phase–down to 10 percent.

In 1985, the legislature amended the Levy Lid Act to keep districts' maximum levy percentages constant for 1986 through 1988. This amendment maintains the levy lid at the district's 1985 levy percentage or the 1985 state or Educational Service District average, whichever is greater. As a result, the levy lid is higher than 18 percent in all districts. The 1985 legislation retained the goal of phasing down the maximum levy to 10 percent. Unless further amended, the levy capacity phase–down would resume in 1989, with a 10 percent lid implemented in 1993.

Also in 1985, the Governor appointed an Advisory Council on School Funding to study and make recommendations on school funding issues. The council's discussion of the role of levies addresses the issue of disparities in local taxing effort. The council noted that a district with a low assessed valuation per pupil must assess a higher tax rate to support the same program level that a district with a high assessed valuation per pupil can support at a lower tax rate.

The Governor's Advisory Council also reviewed state allocation formulas and school employees' salaries.

Under the Basic Education Act, the staffing allocation formula is set at 50 certificated staff per thousand students. In the legislative budget adopted in 1985, the staffing allocation for kindergarten through third grade was increased to 51 certificated staff per thousand students, effective in the 1986–87 school year.

Since 1981, the legislature has limited school employee salary increases granted by school districts to the increases provided in the state appropriations act. The state also controls average salary levels for certificated and classified staff and, since 1984, has prohibited school districts from distributing salary increases disproportionately to administrators. Within these limits, school districts maintain their own salary schedules. In the 1986 supplemental budget, the legislature provided funding to establish a minimum salary of $16,500 for teachers in all districts.

Summary: SCHOOL LEVY LIDS. The five–year phase–down of school levies to 10 percent of state allocations is eliminated and replaced with an indefinite phase–down to a 20 percent lid. Districts below 20 percent would be authorized to increase levy amounts to 20 percent, effective for levies collected in calendar year 1989. Other districts would be authorized to retain current levy percentages up to 30 percent, with phase–down occurring only as state allocation formulas are enhanced. Enhancements in state allocations, with the exception of enrollment or workload increases, compensation increases or inflationary adjustments, are measured as as "levy reduction funds."

A new base is established for computing a district's levy lid. The district's basic lid calculation, determined by multiplying the levy percentage by the district's state allocations for the prior school year, is changed to allow the inclusion of most federal as well as state allocations. Federal Impact Aid monies or Public Law 874 funds are not included. A statewide factor is added for adjusting district allocations to a current year rather than prior year basis. The current year adjustment applies to levies collected beginning in 1988. The other enhancements to the levy base are effective for levies collected after 1988.

School districts are authorized to propose a two–year maintenance and operation levy, and/or a levy to support the construction, modernization or remodeling of school facilities at a special or general election.

LEVY EQUALIZATION. A state program of levy equalization is established, to be implemented for levies collected in calendar year 1989. Under this program, state matching funds are provided to districts in which the excess levy tax rate needed to raise a 10 percent levy is above the statewide average tax rate. The first 10 percent of an eligible district's excess levy will be matched with state equalization funds. The sum of five million dollars is appropriated for equalization, beginning in calendar year 1989.

STAFFING RATIOS. The certificated staff allocation of 50 per thousand students is separated to provide for 46 instructional staff and four administrative staff. In addition, for allocations based upon kindergarten through grade three enrollment, the instructional staffing ratio is increased to 48 instructional staff per thousand students in the 1987–88 school year and 49 instructional staff per thousand students in the 1988–89 school year.

Districts are required to maintain a minimum staffing ratio of 46 instructional staff per one thousand students beginning in school year 1988–89.

SCHOOL EMPLOYEES' SALARIES. Funds for certificated instructional staff salaries will be distributed under a statewide salary allocation schedule, for allocation purposes only, established in the state appropriations act. Any salary factor in the statewide salary allocation schedule for an employee with a masters degree may not be less than the highest salary factor for an employee with a baccalaureate degree

and the same number of years of experience. No district may receive an allocation that is less than its 1986–87 average salary level. The legislature may grant minimum salary increases using the 1986–87 average salary level as a base.

Although the statewide salary allocation schedule is for allocation purposes only, minimum salary levels are established. No certificated instructional employee may be paid less than the statewide salary schedule amount for an employee with a baccalaureate degree and no years of experience. No certificated instructional employee with a masters degree may be paid less than the schedule amount for an employee with a masters degree and no years of experience.

Salary compliance provisions for school district administrative and classified staff are deleted. For certificated instructional staff, school districts are prohibited from providing an average salary that exceeds the average salary level allocated by the state. Fringe benefits at the level funded by the state or the actual fringe benefit level for the prior school year are to be considered salary for compliance purposes. Districts may exceed these salary limitations only by supplemental contracts for additional time, additional responsibility or incentives. Supplemental contracts may be for one year only, and are not authorized for services that are a necessary part of the constitutionally mandated basic education program.

Votes on Final Passage:

Regular Session			
House	71	27	
First Special Session			
House	63	31	
Senate	26	13	(Senate amended)
House			(House refused to concur)
Senate	34	11	(Senate amended)
House	71	16	(House concurred)

Effective: September 1, 1987

2SHB 456

PARTIAL VETO

C 518 L 87

By Committee on Ways & Means (originally sponsored by Representatives Spanel, Ebersole, Dellwo, Zellinsky, P. King, Wang, Holm, Valle, Haugen, Cole, Appelwick, O'Brien, Pruitt, Hine, Locke, Winsley, Rayburn, Unsoeld, Rasmussen, K. Wilson, Sprenkle, R. King, McMullen and Miller; by request of Governor Gardner)

Establishing programs to enhance students' ability to learn.

House Committee on Education
House Committee on Ways & Means
Senate Committee on Education

Background: Since the 1984–85 school year, the state has funded a limited number of model dropout prevention programs in public schools and programs for teacher training in drug and alcohol education. In the 1985–87 biennium, the state of Washington initiated the Early Childhood Assistance Program to meet the needs of children from low income families. In each of these programs, state grants do not meet the full demand for services and programs are not available in all communities.

Summary: PROJECT EVEN START. Project Even Start is established to provide adult literacy programs for parents whose basic academic skills are below eighth grade level. These adult literacy programs will be available for the parents of children eligible for Headstart, the Early Childhood Education Program, and elementary school programs serving students below average in the basic skills of reading, language arts and mathematics.

In addition to instruction in basic skills, eligible parents will receive support services including, but not limited to, transportation and child care. The Superintendent of Public Instruction will work cooperatively with adult literacy programs in the common schools, vocational technical institutes, community based programs, and community colleges to provide training for qualifying parents. Existing programs should be used before new programs are funded.

The Superintendent of Public Instruction must report on effectiveness of the program by January 15, 1989. After the initial report, biennial reports are required.

PARENTS AS A FIRST TEACHER PROGRAM. The Parents as a First Teacher Program is created to be operated as a voluntary grant-based program by the Superintendent of Public Instruction. The purpose of the program is to provide resource materials on home learning activities, private and group educational guidance and experiences for parents and children to encourage parent confidence and a positive home environment. This voluntary enrichment program may be offered only as funds are made available for this purpose. The program is for parents with children up to the age of three. The Superintendent of

Public Instruction must report biennially on the program to the legislature by January 15 and make information on the program available through the Educational Clearinghouse.

The Superintendent of Public Instruction, Department of Social and Health Services and Department of Community Development will coordinate the Parent as a First Teacher Program, Early Childhood Assistance Program and Family Independence Program. These agencies must report to the legislature by January 15, 1990, on the implementation of the coordination of these programs.

EARLY CHILDHOOD ASSISTANCE PROGRAM. The funding for state-supported preschool programs for "at risk" children, administered by the Department of Community Development, is continued, but is not limited to an average of $2,700 per child. Spaces are to be set aside for the children of migrant and seasonal farmworkers and for the children of Native Americans living on and off reservations, to assure their participation in the program.

DROPOUT PROGRAMS. Each school district with a dropout rate in the highest 25 percent of all districts' dropout rates, must develop and maintain a comprehensive, district-wide student motivation, retention and retrieval plan.

The Superintendent of Public Instruction is directed to distribute funds available for dropout prevention and retrieval programs to qualifying school districts on a per pupil basis. Cooperatives of districts may qualify for funds if the cooperative includes one or more districts where the dropout rate is in the highest 25 percent. Districts will be eligible to receive money for dropout programs every two years. Funds received from subsequent applications must be used to expand the dropout program to additional grades or schools, or to initiate new dropout programs. The grant money may not supplant existing funding. The Superintendent of Public Instruction must give priority in subsequent awards to districts that have plans and programs demonstrating effectiveness.

No district may receive more money than necessary to carry out its plan.

The Superintendent of Public Instruction must adopt rules to implement the dropout program including, but not limited to, the following: 1) requiring a district to provide an annual evaluation of the effectiveness of the program; 2) requiring no less than 20 percent of the implementation grant to be used for identification and intervention programs in elementary and middle schools; 3) establishing procedures allowing school districts to claim basic education allocation funds for students attending a program under the dropout implementation program outside the regular school-year calendar to the extent that such attendance is in lieu of attendance within the regular school-year calendar; and 4) providing for evaluating the number of children within an applicant district who fail to complete their elementary and secondary education. Information on effective dropout programs shall be disseminated to all school districts and interested parties.

The School Drop Out Prevention Task Force is created. The purpose of the task force is to make the public aware of the high number of Washington youth who drop out of school and the life-long economic impact of the decision to drop out, and to encourage all segments of the community to devise new strategies to encourage youth to remain in school. The task force will be appointed by the governor and the Superintendent of Public Instruction. Task force members will include representatives of business, sports, education, the media, students, the legislature and other segments of the community.

YOUTH SUBSTANCE ABUSE ACT. The serious impact of alcohol and drug abuse on a child's self concept and ability to learn is recognized. The Youth Substance Abuse Program is created to help students develop skills to make decisions on the use of drugs and alcohol, to achieve and maintain a drug-free educational environment and to aid school districts in the development and implementation of comprehensive drug and alcohol policies including the issues of prevention, intervention and aftercare.

The Superintendent of Public Instruction must adopt rules and distribute funds for the planning, development and implementation of educational and disciplinary policies relating to drug use. The programs must address the issues of prevention, intervention and aftercare activities.

Each participating school district must establish a community substance abuse advisory committee, including representatives of school district instructional staff, students, parents, state and local government, law enforcement personnel and the county coordinator of alcohol and drug treatment. The advisory committee will assist in coordinating school district programs and services with programs and services available in the community.

The district must submit procedures for evaluating the effectiveness of the programs implemented by the school district.

Joint applications to operate a cooperative program may be made by school districts.

The Superintendent of Public Instruction is directed to appoint a statewide advisory committee on substance abuse composed of certificated and noncertificated school employees, administrators, parents, school directors, and representatives of the bureau of alcohol and substance abuse, the traffic safety commission and county coordinators of alcohol and drug treatment. The committee's functions include advising the Superintendent of Public Instruction on matters of program development, coordination and evaluation.

The Superintendent of Public Instruction must disseminate information on effective drug and alcohol programs to all school districts and interested parties.

If any parts of the Youth Substance Abuse Act are in conflict with federal requirements which are prescribed as a condition of the allocation of federal funds, the conflicting provisions of the state act are inoperative.

COMMUNITY SCHOOL SUPPORT. School districts are directed to develop school involvement programs to encourage and accommodate the participation in school activities of persons interested and involved with school age children. The school district may seek suggestions on the activities from local business, community organizations and governmental agencies and may enter into agreements with these entities to encourage employee participation.

State employees may use up to 20 hours of their sick leave to participate in a school involvement program during their normal work hours.

GIFTED EDUCATION. Commencing with the 1987–88 school year, supplementary funds provided by the state for education of gifted children may fund programs for not less than 2 percent but not to exceed 3 percent of the district's full–time equivalent enrollment.

ELEMENTARY COUNSELOR GRANT PROGRAM. The Superintendent of Public Instruction may grant funds to school districts for the implementation of an elementary school counseling program. Funding for this program is limited to funds appropriated for this purpose by the legislature. Grants may provide one elementary counselor for schools with over 300 students and one half–time counselor for schools with less than 300 students. School districts and school buildings within school districts may enter into cooperative arrangements for these services. The total contract time for persons hired under these grants must be provided in the school building to which the counselor is assigned to assure that the counselor is aware of the nature and problems of the children and families to be served. Applications for funding are to be filed with the Superintendent of Public Instruction. The application must include a commitment from the district to adopt a comprehensive elementary school counseling plan, a definition of the relationship of this program to community services, methods of program evaluation, policies on confidentiality and notification of parents, procedures for making referrals to community and state agencies and the scope of services to be provided.

MENTAL SPORTS ADVISORY COMMITTEE. A Mental Sports Advisory Committee is created to promote the development of cognitive skills and educational competitions, to sponsor tournaments and demonstrations of mental sports and to encourage tourism. The five–member committee with members representing chess players, checkers players, bridge players, go players and scholastic olympiads must report to the legislature and the Superintendent of Public Instruction on its activities in sponsoring demonstrations and tournaments for mental sports.

MISCELLANEOUS PROVISIONS. Businesses that donate tangible personal property to public or private schools may receive a tax benefit.

Educational clinics are recognized as an important part of the educational system and as playing an important part in providing educational programs for dropouts. The Superintendent of Public Instruction is directed to distribute to educational clinics funds allocated for this purpose. The legislature encourages school districts to explore cooperation with educational clinics.

A two–year pilot block grant program is created to allow 20 school districts to develop and implement their own plans for elementary counselling, drug abuse programs, dropout prevention and student motivation and retention programs. A report must be made to the legislature on the effectiveness of these programs by January 1, 1990.

School districts may contract with the University of Washington to provide education for highly academically capable high school students in an early entrance program. The school district may authorize the Superintendent of Public Instruction to allocate the basic education allocation for these students to the University of Washington for instruction necessary to fulfill the high school graduation requirements for these students.

Votes on Final Passage:

House	93	5	
Senate	27	22	(Senate amended)
House	87	3	(House concurred)

Effective: July 26, 1987

Partial Veto Summary: Provisions creating the Parents as First Teacher Program, Elementary Counselor Grant Program, Community School Support Program, expansion of Gifted Education and tax exemptions for the donation of property to schools are vetoed. (See VETO MESSAGE)

SHB 458

C 333 L 87

By Committee on Energy & Utilities (originally sponsored by Representatives Todd, Barnes, Nelson, Schmidt and Jacobsen)

Extending the moratorium on mandatory local measured telecommunications service.

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

Background: The two ways that a telephone company can charge for local telephone services are flat rates and measured rates. A flat rate is a single monthly charge for local telephone service, regardless of the number of calls made or the length of the calls. Measured rates reflect the amount the telephone is used. Measured rates are based upon elements such as the time of day of a call, the duration of a call, the distance a call travels, and the number of calls made.

In late 1983, Pacific Northwest Bell filed a telephone rate restructuring proposal with the Washington Utilities and Transportation Commission to impose a mandatory measured service rate on business customers. This request was later withdrawn, and in 1985 the legislature enacted a prohibition against mandatory local measured service prior to June 1, 1987.

Summary: Until June 1, 1990, the Washington Utilities and Transportation Commission (UTC) may not accept for filing nor approve a tariff filed by a telecommunications company which imposes mandatory local measured service on any customers or class of customers. An exception is made in that the UTC may accept for filing and approve a tariff that imposes mandatory measured service for a telecommunications company's extended area service or foreign exchange service.

Votes on Final Passage:

House	93	1	
Senate	44	5	

Effective: June 1, 1987

HB 462

PARTIAL VETO

C 470 L 87

By Representatives Cantwell, Sprenkle, Braddock and Wang; by request of Department of Labor and Industries

Changing provisions relating to industrial insurance payments and penalties.

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

Background: Beginning July 1, 1987, the Department of Labor and Industries is required to pay for hospital services on the basis of diagnosis-related groups (DRGs). During 1985, the department established a health care cost containment unit to develop methods for controlling medical costs. The department has implemented several cost saving programs and has developed others that could provide alternatives to a DRG-based hospital payment plan.

Legislation enacted in 1986 established penalties for health care providers who obtain overpayments on industrial insurance billings. The provision establishing a criminal offense for overpayment obtained by intentionally using false statements was not specifically limited to health care providers.

Offenders performing community services may be regarded as workers for industrial insurance purposes at the option of the local government for which services are performed.

Summary: After July 1, 1987, the director of the Department of Labor and Industries is permitted to pay for inpatient hospital services on the basis of either diagnosis-related groups, contracts for services or other prudent, cost-effective payment methods.

The provision establishing a class C felony for any person who makes a false statement or misrepresentation in an application for payment under the industrial insurance law does not apply to injured workers.

Workers' compensation benefits for offenders performing community services for local governmental entities or nonprofit organizations is limited to medical benefits only.

Votes on Final Passage:

House	93	0	
Senate	49	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 1, 1987

Partial Veto Summary: The section limiting workers' compensation benefits for offenders performing community services is vetoed. (See VETO MESSAGE)

SHB 465

C 172 L 87

By Committee on Commerce & Labor (originally sponsored by Representatives Wang, Patrick and Sayan; by request of Department of Labor and Industries)

Changing provisions relating to wage claims.

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

Background: The director of the Department of Labor and Industries is authorized to take assignments of wage claims and pursue the collection of wages for persons who are financially unable to prosecute their own lawsuits. It is not clear whether the department's wage collection authority extends to those employees who have not formally assigned a claim to the department.

Summary: The Department of Labor and Industries is authorized to: (1) conduct investigations to ensure compliance with the prevailing wage law, the minimum wage law and the wage collection law whenever information is obtained indicating that a violation may be occurring; (2) order the payment of wages owed workers and institute actions to collect wages owed; and (3) take assignments of wage claims and prosecute actions on behalf of persons who are financially unable to employ counsel when in the director's judgment the claims are valid and enforceable in the courts.

Votes on Final Passage:

House	95	0	
Senate	45	0	

Effective: July 26, 1987

SHB 476

C 420 L 87

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Lux, Chandler and P. King)

Revising regulations for banks and banking activities.

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

Background: Directors of banks are required to meet at least once a month.

In 1981, the legislature authorized all state chartered financial institutions to pay interest on deposit accounts. At that time, federal law limited the interest that could be paid on savings accounts and prohibited interest payments on other types of accounts. The federal limitations have since been removed and all financial institutions are authorized to pay interest on deposit accounts without limitation.

In 1986, the legislature created the Washington Land Bank to provide credit to farmers and ranchers. The act did not contain provisions for examination and oversight by the state supervisor of banking.

Summary: Directors of banks are no longer required to meet at least monthly but must meet at least quarterly.

Provisions authorizing the payment of interest on deposit accounts are repealed.

The State Land Bank Act is amended to grant the supervisor of banking broad regulatory authority to examine and monitor the bank for solvency. These provisions parallel the regulatory powers of the supervisor in overseeing other state banks.

Votes on Final Passage:

House	94	1	
Senate	49	0	(Senate amended)
House	95	2	(House concurred)

Effective: July 26, 1987

2SHB 477

C 5 L 87 E1

By Committee on Ways & Means (originally sponsored by Representatives J. King, Brooks, McMullen, Crane, Appelwick, Brekke, Lux, Locke, Grimm, Wang, Unsoeld, Jacobsen, Moyer, Leonard, Sprenkle and Todd)

Enacting the health care access act of 1987.

House Committee on Health Care
House Committee on Ways & Means
Senate Committee on Ways & Means

Background: The purpose of this measure is to establish a basic health care plan. Many Washington residents under the age of 65 years do not have health care coverage. Recognizing this concern, the legislature, in 1986, created the Washington Health Project Commission. The commission's major responsibilities were to identify and describe the number of persons uninsured in the state; propose approaches to meet this

need; and recommend ways to fund the cost. The commission submitted its report to the legislature on December 1, 1986.

The commission found that a significant segment of Washington's population does not have access to affordable health care insurance or other coverage. This group includes not only the unemployed and injured workers who have often lost access to health insurance in the workplace, but also an increasing number of employed individuals who do not have health care coverage through their employer. Health care for this group of uninsured persons is often provided in hospital emergency rooms or in the offices of health care providers, in many cases at the expense of other consumers and their third-party payers.

The commission estimated that 720,000 persons under the age of 65 in Washington do not have health insurance. The uninsured are largely young (37 percent are children, and half are under age 25), white (90 percent), and employed (41 percent are employed full time, an additional 14 percent work part time). Of that total, approximately 410,000 have gross family incomes below 200 percent of the federal poverty level. A telephone survey conducted for the commission indicated that low-income individuals are very interested in a state-sponsored basic health plan that covers ambulatory, hospital and emergency care. Nearly 90 percent of those surveyed expressed interest in enrolling in the plan. According to the empirical literature, this finding suggests that 40 percent would actually enroll. Of these, 96 percent could pay an average of $28 per household per month for basic health plan coverage.

Summary: The Washington Basic Health Plan is established as an independent agency, governed by an administrator appointed by the governor, with the consent of the Senate. The Basic Health Plan Trust Account in the State Treasury is the depository for plan funds. A maximum of seven exempt staff positions are provided, including the administrator and medical director. The administrator is required to appoint at least one technical advisory committee.

The administrator is responsible for designing a schedule of basic health care benefits with a separate schedule and payment structure for those eligible individuals who choose to enroll only their dependent children, age 18 and under.

Periodic premiums from enrollees must be based on gross family income. A system of nominal co-payments and coinsurance schedules is required to discourage inappropriate use of services.

The cost of the delivery of basic health care services to enrollees will be subsidized with funds from the Basic Health Plan Trust Account. Only those enrollees below 200 percent of the federal poverty level are eligible for any subsidy. Enrollees may continue in the plan if their income rises above 200 percent of poverty, but they must then pay full premiums and no funds from the Trust Account can be used to subsidize their costs. An enrollee with gross income above 200 percent of the federal poverty level for six consecutive months is no longer eligible for the program.

The plan may, after July 1, 1988, enroll up to 30,000 individuals eligible for subsidies who: (1) are all under the age of 65; (2) are residents of an area served by the plan; (3) have gross family income not exceeding 200 percent of the federal poverty level; (4) choose to obtain basic health care coverage from a particular managed health care system participating in the plan; and (5) remain current in payment of premiums.

The plan will be offered in sites in at least five congressional districts. At least one site will be a case management/coinsurance site with: nominal premiums; a modified fee for service schedule; a coinsurance schedule based upon specific procedures and ability of enrollees to pay; and a patient/doctor relationship that maximizes patient involvement in health care decision-making, including awareness of the incentives and disincentives in using the health care plan.

A standard procedure is established for negotiation of participation agreements with managed health care systems. The administrator is to consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among different areas of the state. The administrator is expected to seek multiple participation agreements to allow enrollees a choice between two or more managed health care systems.

A managed health care system (MHCS) is defined as any organization of health care providers that agrees to deliver, directly or by contract, the schedule of basic health care services defined by the administrator. MHCS's could include existing health maintenance organizations or any group of health care providers. Participating systems may not discriminate on the basis of health status, sex, race, ethnicity or religion. MHCS's may only offer coverage that is established by the plan.

The administrator is required to adopt a schedule for making the plan available to residents of the state and for the orderly delivery of services.

The administrator may contract with public or private agencies, including health care service contractors, for administrative services necessary for operation

of the plan. The administrator may also contract with such agencies for assistance in benefit design or in monitoring services rendered under the plan, or for technical and professional assistance to health care providers in forming managed health care systems.

The Employment Security Department, the Department of Labor and Industries and the Department of Social and Health Services (DSHS) are required to cooperate in the operation of the plan and to inform any unemployed workers, injured workers and unsuccessful applicants for DSHS medical assistance that the plan may be available. The administrator must monitor access to necessary health care services and make recommendations as he or she deems appropriate to the legislature.

The benefit package, based upon the recommendations of the Washington Health Project Commission, includes no dental care, nominal co-payments of $10 per office visit, $5 for medication and $25 for inappropriate emergency room use, and a 25 percent discount from the traditional fee for service system. The schedule of service includes physician services, inpatient and outpatient hospital services and other services that may be necessary for basic health care. The schedule emphasizes preventive and primary health care, and includes all services necessary for prenatal, postnatal and well-child care. Provision is made for coordination of benefits when any enrollee health care costs may also be covered by other insurance, such as third party coverage of auto accidents.

A grant program is established for regional hospitals with tertiary care facilities providing up to 250 percent of the average charity care rate or hospitals having medical assistance charges exceeding 20 percent of the facility's total rate setting revenue from the prior calendar year. DSHS is directed to seek medicaid matching funds to the maximum extent allowable.

The date by which DSHS must expand its managed medicaid program is moved from 1991 to 1989. The basic health plan is subject to sunset review in 1992.

Votes on Final Passage:

Regular Session			
House	73	18	
Senate	42	4	(Senate amended)
House			(House refused)
First Special Session			
House	83	10	
Senate	37	7	(Senate amended)
Senate	36	8	(Senate amended)
House	86	8	(House concurred)

Effective: August 20, 1987

2SHB 480

C 170 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Brekke, Winsley, Moyer, Scott, Wang, Leonard and Brough; by request of Department of Social and Health Services)

Providing protection for Indian children.

House Committee on Human Services
House Committee on Ways & Means/Appropriations
Senate Committee on Human Services & Corrections and Committee on Ways & Means

Background: The federal Indian Child Welfare Act of 1978 requires that when voluntary consent to placement is given for an Indian child, the court is required to validate that consent. There is no provision in state law to provide for court validation. Currently the Department of Social and Health Services and other agencies involved in obtaining consents do not comply with federal requirements.

While not required, the Indian Child Welfare Act encourages tribal jurisdiction over all phases of child welfare services including foster care placement and permanency planning. Foster homes not licensed by the department or its licensed/certified child placing agencies cannot be recognized by the department nor can payment be made to these homes.

Since Indian children in the homes of extended families may not meet Aid to Families with Dependent Children (AFDC) requirements for living with a relative of specified degree, federal assistance is not available and services such as permanency planning cannot be provided.

Summary: Requirements for court validation of voluntary consent for placement of Indian children are established. Procedures for requirements, scheduling of hearings, effects on parties filing consents, notice requirements to the court and effects on the child's tribe are enumerated.

Child-placing agencies operated and licensed by tribal organizations are exempted from Department of Social and Health Services licensing requirements. Payment is allowed for the care of Indian children in the custody of a federally recognized Indian tribe or its licensed child-placing agency.

Votes on Final Passage:

House	96	2
Senate	33	13

Effective: July 26, 1987
July 1, 1988 (Sections 10 and 11)

SHB 489

C 157 L 87

By Committee on Judiciary (originally sponsored by Representatives Appelwick and P. King)

Revising provisions on probate.

House Committee on Judiciary
Senate Committee on Judiciary

Background: State law provides a streamlined method of disposing of estates under $10,000. A person who owes money to the decedent or who has personal property in his or her possession belonging to the decedent is required to pay the debt or turn the personal property over to the decedent's successor. A successor is a person entitled to the payment or personal property through a will, community property law, or laws of intestate succession.

The debtor or person in possession of the personal property is required to satisfy the successor's request after certain requirements have been met. These requirements include the notification of the Inheritance Tax Division of the state Department of Revenue of the successor's claim at least 10 days prior to taking possession of the payment or personal property.

The Inheritance Tax Division of the Department of Revenue has been discontinued, and some of its functions incorporated in other divisions. The need to notify the department of a successor's claim has been reduced substantially due to restructuring.

Summary: The requirement that a successor notify the Inheritance Tax Division of the state Department of Revenue that the successor has a claim under this act is removed.

Votes on Final Passage:

House	96	0
Senate	49	0

Effective: April 22, 1987

SHB 492

C 15 L 87

By Committee on Higher Education (originally sponsored by Representatives Heavey, Jacobsen, Allen, Prince, Unsoeld, Miller, Brough, Kremen and R. King)

Continuing the authority to permit installment payments of tuition and fees.

House Committee on Higher Education
Senate Committee on Education

Background: In 1985, the legislature approved a bill authorizing state colleges and universities to offer students an optional plan for paying tuition and fees in advance, in monthly installments. Although state law requires institutions to transmit the operating fees they collect to the state treasurer within 35 days of receipt, institutions initiating a tuition installment plan were permitted to transmit operating fees to the treasurer within five days following the close of the appropriate quarter or semester.

Any institution implementing a tuition installment plan is required to report on the plan's effectiveness and administrative cost to the legislature by January 1, 1988.

Eighteen thousand dollars was appropriated for the 1985–87 biennium to Western Washington University to test the advance payment of tuition. During the 1986–87 academic year, 820 students at Western received the sets of prepayment coupons needed to participate in the plan.

Institutional authority to offer a tuition installment plan expires on June 30, 1987, as does the authority to transmit operating fees collected under the program to the treasurer within five days of the close of the appropriate quarter or semester.

Summary: The June 30, 1987 expiration date on institutional authority to offer tuition installment plans is removed. Also removed is the June 30, 1987 expiration date on authority to transmit operating fees collected through the program to the treasurer within five days of the close of the appropriate quarter or semester.

Votes on Final Passage:

House	97	0
Senate	49	0

Effective: June 30, 1987

SHB 498

PARTIAL VETO

C 521 L 87

By Committee on Commerce & Labor (originally sponsored by Representatives Sayan, Patrick, Wang, Winsley, Fisch, Day, Walker, Vekich, R. King and Dellwo)

Changing provisions relating to collective bargaining for fire fighters and emergency medical personnel.

House Committee on Commerce & Labor
House Committee on Way & Means/Appropriations
Senate Committee on Commerce & Labor

Background: Uniformed personnel, including law enforcement officers, fire fighters and advanced life support technicians, are required to submit to binding interest arbitration if collective bargaining negotiations reach impasse.

Only fire fighters who are members of the Law Enforcement Officers and Fire Fighters Retirement System are subject to the interest arbitration procedures. In making awards in cases involving fire fighters, arbitrators have reached conflicting decisions on the meaning of "like personnel of like employers" when used for comparison purposes.

Summary: The reference to "fire fighters" as defined in the Law Enforcement Officers and Fire Fighters Retirement System is deleted from the definition of "uniformed personnel" for the purposes of collective bargaining. The definition of "uniformed personnel" is amended to include employees regularly employed on a full-time basis in a public fire department in fire suppression, fire investigation, fire inspection, fire dispatching and emergency medical services.

In making awards involving employees in a public fire department, an arbitrator must take into consideration comparisons with other fire departments of similar size on the west coast of the United States, unless an adequate comparison is available among Washington public fire departments.

Votes on Final Passage:

House	89	9	
Senate	30	17	(Senate amended)
House	84	11	(House concurred)

Effective: July 26, 1987

Partial Veto Summary: The amendment changing the definition of "uniformed personnel" is vetoed. The veto returns application of binding arbitration provisions to fire fighters covered under the LEOFF system and restores a technical change made in the codification of advanced life support technicians. (See VETO MESSAGE)

SHB 499

C 500 L 87

By Committee on Environmental Affairs (originally sponsored by Representatives Unsoeld, Allen and Rust)

Providing standards for the issuance or renewal of wastewater permits.

House Committee on Environmental Affairs
Senate Committee on Parks & Ecology

Background: In 1985, the legislature directed the Department of Ecology to review all existing standards for wastewater that is discharged into Puget Sound. The department was directed to issue a progress report to the legislature by January 1, 1986, and a final report by January 1, 1987. The reports were to indicate if standards needed to be revised in order to assure that all known, available and reasonable methods of treatment were being implemented.

In 1986, the department reported to the legislature that this task would cost approximately $800,000. The concern was also expressed that it is more important to develop new standards than to review existing standards. The legislature did not appropriate any money for these tasks. The department claims that without funding, only one or two standards per year can be reviewed.

The Puget Sound Water Quality Authority, in their 1987 management plan for Puget Sound, directed the Department of Ecology to incorporate permit conditions that require all known, available and reasonable methods of treatment. Review of existing standards was not recommended.

Summary: The Department of Ecology, in issuing and renewing wastewater discharge permits, must incorporate permit conditions that require all known, available and reasonable methods of treatment to control toxicants in the applicant's discharge. The permit conditions may include limits on the discharge of specific chemicals and limits on the overall toxicity of the effluent. Permit conditions will be required regardless of the quality of the receiving water or the minimum water quality standards. In no event may the discharge violate existing water quality standards.

The law requiring the department to review existing standards is repealed.

Votes on Final Passage:

House	97	0	
Senate	49	0	(Senate amended)
House	91	6	(House concurred)

Effective: July 26, 1987

SHB 506

C 351 L 87

By Committee on Human Services (originally sponsored by Representatives Cooper, Sprenkle, Moyer, Brooks, Leonard, Brekke, Scott, Miller, Hine, Winsley, K. Wilson, Rayburn, Cantwell, Nutley, Dellwo, Appelwick, Valle, Holm, Pruitt, Spanel, Unsoeld, Fisher, Rasmussen, Grant, Sutherland,

Belcher, Jesernig, Wang, Jacobsen, P. King, Brough and Todd)

Creating the children's trust fund.

House Committee on Human Services
Senate Committee on Human Services & Corrections

Background: In 1981, the Washington Council for the Prevention of Child Abuse and Neglect was established by the legislature. The original legislation provided for the council to receive funds from contributions, grants or gifts. These funds are deposited in a special account approved by the state treasurer. Control of expenditures from the Children's Trust Fund is vested in the council. The monies from the fund are to be used for prevention programs designed to reduce the occurrences of child abuse and neglect.

Summary: Additional definitions of child and primary and secondary prevention are added to law. Contracts for the use of monies from the Children's Trust Fund may also be awarded to research programs related to primary and secondary prevention.

A new source of revenue for the Children's Trust Fund is established. For a fee of $25, the state registrar will issue an "heirloom" birth certificate with the same status as the original. All monies generated from the issuance of these certificates, less the registrar's expenses, are to be credited to the Children's Trust Fund.

Votes on Final Passage:

House	97	0
Senate	45	0

Effective: July 26, 1987

SHB 508

C 140 L 87

By Committee on Judiciary (originally sponsored by Representatives Holland, Zellinsky, Winsley, Nutley, Beck, Lux, Chandler, Prince, Betrozoff, Crane, Silver and Jesernig)

Establishing crimes involving access devices.

House Committee on Judiciary
Senate Committee on Judiciary

Background: For purposes of the crimes of possession of stolen property and theft, a credit card is defined as a device enabling the cardholder to obtain money, goods or services on credit or in consideration of a guarantee by the issuer.

Theft is defined as wrongfully obtaining control over property or services, or appropriating lost or misdelivered property.

A person commits theft in the second degree if he or she steals a credit card. Possession of two or more credit cards issued in the names of two or more persons creates a presumption that they are stolen. A person possessing a stolen credit card is guilty of possession of stolen property in the second degree.

For purposes of defining the crime of forgery, a credit card is considered a written instrument. Forgery is a class C felony.

Summary: References to credit cards in the criminal code are changed to "access devices." An access device is defined as a code, account number or other means of account access that can be used to obtain money, goods or services or that can be used to initiate a transfer of funds.

Theft of an access device is classified as theft in the second degree. Possession of two or more access devices in the names of two or more persons creates a presumption that they are stolen. A person is guilty of second degree possession of stolen property if he or she possesses a stolen access device.

An access device is defined as a written instrument for purposes of the forgery statute.

Votes on Final Passage:

House	93	0
Senate	44	3

Effective: July 26, 1987

HB 520

C 117 L 87

By Representatives Wang, Armstrong, Schmidt and P. King; by request of Secretary of State

Revising provisions regulating nonprofit corporations.

House Committee on Judiciary
Senate Committee on Judiciary

Background: Nonprofit corporations are created by filing articles of incorporation with the secretary of state and complying with other requirements.

The secretary of state will dissolve a domestic corporation or revoke a foreign corporation's authority to conduct business in Washington if the corporation does not comply with law. Reasons for dissolving or revoking a corporation include failure to file an annual report after notice of a missed filing, as well as failure to appoint a registered agent or to notify the secretary of state of a change in the agent's status.

A foreign corporation's authority will also be revoked if it fails to file amendments to its articles of incorporation, fails to file articles of merger, obtains its authority through fraud or misrepresentation or regularly abuses its authority. A domestic corporation must be given 45 days notice, while a foreign corporation must be given 60 days notice before revocation.

A foreign corporation may seek reinstatement for up to three years after revocation by paying a $30 filing fee and paying all annual fees as if the corporation's authority had not been revoked.

Present laws allow a corporation to appeal a negative decision by the secretary of state regarding the articles of incorporation or other documents, but are silent regarding an appeal of the secretary's action to dissolve a domestic nonprofit corporation or to revoke the authority of a foreign nonprofit corporation. There is an appeal process in place to allow a for-profit corporation to appeal dissolutions or revocations due to missed filings.

Summary: The time during which a foreign nonprofit corporation may apply for reinstatement is increased from three years to five years. A $25 fee is required, and the corporation must file all annual reports, including the year of reinstatement, as if the corporation's authority had not been revoked. A domestic nonprofit corporation must also file annual reports for the years that it had been dissolved prior to being reinstated by the secretary of state.

A filing fee of $5 is charged for the annual reports of domestic and foreign nonprofit corporations.

The secretary is authorized to reinstate a nonprofit corporation that was in good standing but is dissolved or revoked because of a missed filing or a lapse in the corporation's period of duration. The nonprofit corporation must seek relief within 15 days of discovery of the missed filing or lapse, explaining under oath the circumstances behind the corporation's failure to act. The secretary must be satisfied that "sufficient exigent and mitigating circumstances exist" and that the public interest is not compromised before the corporation can be reinstated. If the secretary declines the request to reinstate, there is no appeal.

The secretary is instructed to annually inform the legislature of the number of claims for relief sought and how they were handled.

Votes on Final Passage:

House	97	0
Senate	43	0

Effective: July 26, 1987

SHB 522

C 113 L 87

By Committee on Natural Resources (originally sponsored by Representatives Meyers, Sutherland, S. Wilson and C. Smith)

Modifying purposes for which state land may be exchanged.

House Committee on Natural Resources
Senate Committee on Natural Resources

Background: The Department of Natural Resources (DNR) manages 2.3 million acres of land for trusts which were created at the time of statehood. It also manages 600,000 acres of land for various counties. Hundreds of thousands of acres managed by the department are in parcels dispersed throughout the state. Existing trust land uses include leases for farming, grazing and commercial purposes as well as timber sales.

From time to time, DNR exchanges land among the various trusts and with other landowners. By law, it may make exchanges for three purposes: 1) facilitating the marketing of forest products on state lands, 2) consolidating and blocking up state lands, and 3) acquiring land with commercial recreational lease potentials. DNR may also make land exchanges with counties. In making the exchanges, DNR must obtain land of equal value. The Board of Natural Resources must approve all exchanges.

Recently, DNR began a program of developing urban land in order to diminish the trusts' reliance on timber revenue. In endeavoring to acquire lands for this and other purposes, some potentially beneficial land exchanges could not be made for lack of legislative authority.

Land exchanged under any of these authorities may not reduce the state forest land base.

Summary: The Department of Natural Resources (DNR) may exchange land for two purposes in addition to those already specified in law: 1) to acquire urban property which has greater income potential or which could be more easily managed by the department, and 2) to acquire lands where an exchange is determined to be in the best interests of the trusts. Any urban property acquired must be exchanged for DNR managed urban land. The land exchanges must be in the best interests of the trust for which the land is held. For DNR purposes, urban land means land which within ten years is expected to be intensively used for location of buildings or structures, and which usually will have urban government services.

Votes on Final Passage:

House	92	1
Senate	43	4

Effective: July 26, 1987

SHB 523

C 436 L 87

By Committee on Environmental Affairs (originally sponsored by Representatives Hine and Allen)

Providing for the financing of pollution control facilities.

House Committee on Environmental Affairs
Senate Committee on Parks & Ecology

Background: In 1986, the legislature enacted the Water Quality Joint Development Act (WQJDA) which authorized public bodies to enter into service agreements with private parties operating sewage treatment plants.

Under the WQJDA, the legislature provided that public bodies which participate in private service agreements are eligible for all grants and loans that would otherwise be available to public bodies. These grants or loans must be used either for a public ownership interest or to defray payments made to the service provider.

In 1980, the voters of the state approved Referendum 39 which authorized the state finance commission to issue up to $450 million in general obligation bonds to provide funds for the planning, design, construction, acquisition and improvement of public waste disposal facilities. The proceeds, administered by the Department of Ecology and deposited in the Waste Disposal Facilities Revolving Account, are used in part for grants and loans to public bodies.

The Centennial Clean Water Act (CCWA) established the Water Quality Account administered by the Department of Ecology. A fiscal year total of $40 million was guaranteed, funded by the cigarette and tobacco products tax, the sales tax recapture and General Fund money, if necessary.

The Attorney General's Office has concluded that funds otherwise available to public bodies under the CCWA cannot be used for grants or loans to public bodies entering into private service agreements under the WQJDA. The definition of "water pollution control facilities" in the CCWA is limited to those "owned or operated by public bodies." Similarly, Referendum 39 defines "waste disposal and management facilities" as those owned or operated by public bodies.

Procurement procedures under the WQJDA include a bidder's conference and an opportunity for resubmittal of proposals. Service providers must prove that costs will be lower than if the project were done by a public body. An appeal process exists to challenge the approval of a contract. A public hearing must be conducted and written findings that the project is in the public interest must be made.

Summary: Funds in the Waste Disposal Facilities Revolving Account and the Water Quality Account may be used to assist a public body to obtain an ownership interest in waste disposal and management facilities or to defray a part of payments made under a service agreement to a private service provider. Funds used to pay a private service provider may be dispersed either periodically or in a lump sum and must be equivalent to a loan or grant that would otherwise be made. A public body may not provide funds to a private entity before services are rendered or materials are provided. The state treasurer is authorized to issue warrants for loans and grants upon authentication and certification by the agency head or designee.

The definitions of "waste disposal and management facilities" in Referendum 39 and "water pollution control facilities" in the Centennial Clean Water Act are amended to eliminate the references to public operation and ownership.

Public bidding requirements otherwise applicable to first-class city and county agreements do not apply to agreements entered into in compliance with the procurement procedures set forth in the Water Quality Joint Development Act.

Votes on Final Passage:

House	93	0	
Senate	47	0	(Senate amended)
House	90	0	(House concurred)

Effective: May 18, 1987

HB 541

C 376 L 87

By Representatives Jesernig, Hankins, Madsen, Miller and Todd

Revising provisions on joint operating agencies.

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

Background: Generally, sealed competitive bids must be used in awarding contracts for the construction and operation of nuclear plants. However, the Washington

Public Power Supply System (WPPSS), a joint operating agency, is authorized to execute certain contracts without using a competitive sealed bid process. There are seven exceptions to the competitive sealed bidding requirement and they expire on December 31, 1987. WPPSS has indicated that four of these exceptions are needed in order to effectively and efficiently operate Nuclear Project No. 2.

WPPSS has also indicated that it lacks authority under existing law to engage in activities that would produce energy through energy efficiency improvements or conservation or to analyze its investments using a "least-cost" approach.

Summary: The expiration date is eliminated for the four exceptions to the competitive sealed bidding requirement which relate to operating nuclear power plants. A uniform system of administering exceptions to competitive bidding is established.

Authority for a joint operating agency to engage in conservation activities is explicitly stated. Any joint operating agency which decides to undertake a new energy project must prepare a "least-cost" plan as part of the investment analysis.

Votes on Final Passage:

House	94	0
Senate	45	0

Effective: July 26, 1987

SHB 542

C 372 L 87

By Committee on Natural Resources (originally sponsored by Representatives Patrick, Holland, S. Wilson, Sutherland, May and Jacobsen)

Prohibiting placement of traps on private property without permission.

House Committee on Natural Resources
Senate Committee on Natural Resources

Background: The Department of Game regulates the trapping of wildlife and issues licenses to trappers. It is unlawful to take a wild animal from another person's trap without permission or to otherwise tamper with the trap. Trappers are also required to put their name and address on the trap for identification purposes.

Summary: Property owners or lessees may remove traps placed on their property. Trappers may identify their traps with either their name and address or their identification number provided by the Department of Game. A mechanism is established for individuals to obtain the trapper's identity from the Department of Game. A trapper who commits a trespass under current trespass law by placing a trap on private property without permission must pay at least a $250 fine, may have his or her traps confiscated and may have his or her trapper's license revoked.

Votes on Final Passage:

House	92	5	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	47	0	
House	96	1	

Effective: July 26, 1987

HB 545

C 145 L 87

By Representatives Ferguson, Haugen, Nutley and O'Brien

Correcting the double amendment to RCW 35.92.070.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: The ability of cities and towns to provide or make betterments to utility systems is restricted so that in certain circumstances voters must approve a ballot proposition on the matter before the city or town can proceed. No other local government authorized to provide utility services, e.g., sewer districts or irrigation districts, is limited in a similar manner.

The statute so restricting city and town utility authority was inconsistently amended by two separate acts in 1985.

Summary: The double amendments are corrected on the law relating to voter approval of city utility system betterments.

Voter approval of a utility expansion by a city or town would be required if the project were characterized by each of the following: (1) a water system expansion also included the generation of electricity for sale in excess of the present or future needs related to the water system; (2) the city or town did not already own or operate an electrical utility system; (3) the work involved an ownership of greater than 25 percent of the combined water and electrical system; and (4) the electrical system has a capacity in excess of five megawatts.

Voter approval would be necessary if the extensions expanded previous capacity by more than 50 percent or if general obligation bonds were issued.

Votes on Final Passage:

House	96	0
Senate	48	0

Effective: July 26, 1987

HB 549

C 300 L 87

By Representatives Belcher, H. Sommers, Allen, Sayan, Locke, J. Williams, Betrozoff, Unsoeld and May; by request of Washington Centennial Commission

Authorizing a deputy executive secretary of the Washington centennial commission.

House Committee on State Government
Senate Committee on Governmental Operations

Background: The 1989 Washington Centennial Commission, created in 1982, is authorized to employ staff, subject to legislative appropriation or grant. The commission currently has a staff of eight employees, two of whom are exempt from state civil service. Under state personnel law, the director or executive director of an agency and his or her confidential secretary are exempt from civil service.

Assistant or deputy directors or deputy executive secretaries are exempt from civil service for other boards or commissions such as the Arts Commission, Hospital Commission, Investment Board and the Interagency Committee for Outdoor Recreation.

Summary: The position of deputy executive secretary for the 1989 Washington Centennial Commission is exempt from civil service. This exemption will expire on December 31, 1989.

Votes on Final Passage:

House	96	0	
Senate	46	3	(Senate amended)
House	95	0	(House concurred)

Effective: July 26, 1987

HB 551

C 350 L 87

By Representatives Spanel, Belcher, Sayan, S. Wilson, Locke, Allen and P. King

Revising the use of proceeds from the sale or lease of aquatic lands.

House Committee on Natural Resources
House Committee on Ways & Means/Appropriations
Senate Committee on Natural Resources

Background: The Aquatic Lands Enhancement Account (ALEA) was a product of recodifying and rewriting the aquatic land laws administered by the Department of Natural Resources (DNR). The account was created in 1984.

Income to the account comes from a portion of the proceeds from the sale of valuable materials on state owned aquatic lands and from sales and leases of state-owned aquatic lands. In fiscal year 1986, revenues from these sources totalled $3,465,227. Of that amount, $1,194,855 went to DNR for management. The remaining income was split with 40 percent to ALEA and 60 percent to the Capitol Purchase and Development Account and the State Building Bond Redemption Fund (SBBRF). The SBBRF receives $328,160 to repay any bonds for which tideland revenues have been pledged. The balance of the 60 percent goes to the Capitol Purchase and Development Account for maintenance of the capitol buildings.

The ALEA is an appropriated fund and is used to purchase, improve or protect aquatic lands for public purposes, to improve access to these lands and to pay for volunteer fish and game projects. DNR awards funds to local and state governments which submit requests for specific projects.

Summary: The distribution of proceeds from the sale of valuable material originating on state-owned aquatic lands and from the sale or lease of state-owned aquatic lands is changed. The State Building Bond Redemption Fund continues to receive enough funds, about $328,000 per year, to retire bonds issued before January 1, 1987, for which tide and harbor area revenues were pledged. All of the remaining funds from the proceeds go to the Aquatic Land Enhancement Account.

Votes on Final Passage:

House	88	6	
Senate	41	5	(Senate amended)
House	95	2	(House concurred)

Effective: July 1, 1989

HB 559

C 175 L 87

By Representatives Appelwick, Walk, Sutherland, Barnes, Patrick, Dellwo, Heavey, Wang, Hankins, Gallagher, C. Smith, Doty, Schmidt, Betrozoff, J. Williams, Day, Brough, Cantwell, K. Wilson, Fisher, Zellinsky, Haugen, Fisch, Jacobsen, Todd, P. King, Jesernig, May, Winsley and Schoon

Extending and revising vanpool laws.

House Committee on Transportation
House Committee on Ways & Means/Revenue
Senate Committee on Transportation and Committee on Ways & Means

Background: Chapter 166, Laws of 1980, exempted from the state motor vehicle excise tax and the sales and use tax vans which are used regularly as ride-sharing vehicles by not less than seven persons, including the driver. A ride-sharing vehicle is defined as a passenger motor vehicle with a seating capacity not to exceed 15 persons, including the driver, when it is being used for commuter ride sharing or for ride sharing for the elderly and the handicapped.

In 1982, the legislature expanded the exemption for the motor vehicle excise tax to also include 1) vans used regularly as ride-sharing vehicles by as few as five persons, including the driver, when at least three of those persons are confined to wheelchairs when riding, and 2) vehicles with a seating capacity greater than fifteen persons which otherwise qualify as ride-sharing vehicles and which are used exclusively for ride sharing for the elderly or the handicapped.

The above tax exemptions expire January 1, 1988. Currently, about 1,000 public transit, private non-profit, corporate, and privately-operated vanpools utilize these tax exemptions. While public transit vans are otherwise exempted from the motor vehicle excise tax, these vehicles would be subject to the sales and use tax after January 1, 1988.

There is currently no required identification for vehicles utilizing the ride-sharing tax exemptions and it is difficult to identify that population of vehicles. This lack of identification may enable persons to claim the exemptions when they are not entitled to do so.

Chapter 111, Laws of 1979, defined ride-sharing vehicles and prescribed their relationship in terms of insurance, for-hire vehicles and public vehicle uses. The Industrial Insurance Act was amended at that time to exempt from workers' compensation, coverage while driving employees of employers that owned ride-sharing vehicles. It is not clear whether that exemption applies to drivers operating vanpools owned by transit agencies since those agencies exist to provide transportation services. The Department of Labor and Industries maintains that those persons are not exempted from industrial insurance.

Summary: The January 1, 1988, expiration date for the motor vehicle excise tax and sales and use tax exemptions for ride-sharing vehicles is changed to June 30, 1995.

A special license plate is required for ride-sharing vehicles claiming an excise or sales and use tax exemption. A $25 annual fee is imposed for the special plates, except that those vehicles otherwise qualifying for tax exempt plates (government vehicles) are exempted from the renewal fee. Revenue from the plate fee is to be deposited into the Motor Vehicle Fund.

Commuter ride-sharing drivers are excluded from the definition of worker, under the State Industrial Insurance Act, in the course of his or her employment as a driver for the owner or lessee of the ride-sharing vehicle.

Votes on Final Passage:

House	97	0
Senate	38	0

Effective: July 26, 1987
January 1, 1988 (Section 2)

SHB 563

C 150 L 87

By Committee on Health Care (originally sponsored by Representative Braddock)

Revising provisions relating to the uniform disciplinary act.

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

Background: The Uniform Disciplinary Act provides uniform procedures and conduct provisions for the regulated health professions. Psychologists, nursing home administrators and hearing aid dealers are not covered under the act.

The Uniform Disciplinary Act does not govern practice by unlicensed persons and businesses. The disciplinary authorities of some health professions may not pursue the act's remedies and sanctions against unlicensed practice.

No recognized format exists for credentialing new health professions seeking registration, certification or licensure.

Summary: The Council on Hearing Aids, the Board of Examiners for Nursing Home Administrators and the Examining Board of Psychology, the respective disciplinary authorities for hearing aid dealers, nursing home administrators and psychologists, are governed by the procedures and unprofessional conduct provisions of the Uniform Disciplinary Act. Existing statutory regulation of these professions in conflict with the Uniform Disciplinary Act is repealed.

Unauthorized practice of persons or businesses is governed by the procedures and sanctions provided in the Uniform Disciplinary Act for the regulated professions of acupuncture, podiatry, chiropractics, dental hygiene, dentistry, dispensing opticians, hearing aids, drugless healing, embalming and funeral directors, midwifery, ocularists, osteopathy, occupational therapy, medicine and physician assistants, physical therapy, practical nursing, psychology, registered nursing, veterinary medicine and massage therapy.

A number of housekeeping changes are made to the Uniform Disciplinary Act. Members of disciplining boards, but not private consultants, are authorized to direct investigations of complaints. Board members may delegate the authority to sign subpoenas and statements of charges. The director of the Department of Licensing may appoint up to three pro tempore members as members of an investigation committee upon the request of a board. The department may conduct investigations and practice reviews at the direction of a board. Fines may be enforced in superior court. Violations of injunctions are punishable by a maximum civil penalty of $25,000.

Uniform administrative provisions are provided for administering the regulatory programs of new health professions registered, certified or licensed after the effective date of the act. General powers and duties are specified, including adoption of rules, setting self-supporting fees, establishing forms and procedures, hiring staff, administering examinations, and registering, certifying or licensing applicants. Professional advisory committees may be appointed by the director to assist with these responsibilities.

The State Health Coordinating Council is required to make recommendations assessing the social and financial impacts of any proposal for a mandated health insurance coverage if requested by legislative committees.

Votes on Final Passage:

House	95	0
Senate	41	7

Effective: July 26, 1987

2SHB 569

C 452 L 87

By Committee on Ways & Means/Revenue (originally sponsored by Representatives Rayburn, Baugher, Hankins, Jesernig, Brooks, Day, Sayan, Moyer, Grant, Dellwo, Silver, K. Wilson, Doty, Lewis, P. King, Schmidt, Holm, Betrozoff, May, C. Smith and Haugen)

Establishing the Washington wine commission.

House Committee on Agriculture & Rural Development
House Committee on Ways & Means
Senate Committee on Agriculture and Committee on Ways & Means

Background: Agricultural commodity commissions may be created directly by law or by referenda conducted under the 1955 or 1961 Agricultural Enabling Acts. Wine-grape growing and wine production is an expanding industry in the state. Currently a twenty and one-fourth cent per liter tax is levied by the state on wine sold to wholesalers and to the state Liquor Control Board.

Summary: The Washington Wine Commission is created. The commission consists of eleven voting members. Five members must be growers of vinifera grapes, five must be producers of wine from vinifera wine grapes and one member must be a wine wholesaler. One commission member is a non-voting member who must be a wine producer in this state whose principal wine or wines are produced from fruit other than vinifera grapes.

Commission members are appointed by the director of the Department of Agriculture. The director will seek to secure representation on the commission that reflects the composition of the industry throughout the state.

One of the commission positions will be designated as position one and be filled by a person who produces at least one million gallons of wine a year. When the commission members vote on commission business after July 1, 1989, the vote must be weighted. The vote of the person holding position one will be equal to one half of the total voting strength of the commission or to a percentage of the total vote equal to the percentage of all of the wine produced in the state that is produced by the person in position one, to the nearest 10 percent, whichever is less. The rest of the votes must be divided equally among the remaining members. If the person in position one produces less than 25 percent of Washington's wine, the vote of all members will be equal.

To provide temporary funding for the commission, in addition to the twenty and one-fourth cent per liter tax on wine, a one-fourth cent per liter tax is levied until July 1, 1993. Revenues from the additional tax are to be disbursed each quarter to the Washington Wine Commission. However, on July 1, 1987, an initial sum of $110,000 will be disbursed to the commission and this amount will be reduced from the quarterly distribution in four equal amounts.

To provide permanent funding for the commission, an assessment will be levied on wine producers and grape growers beginning July 1, 1989. The assessment on wine producers will be two cents per gallon of packaged Washington wine sold in the state. The assessment on wine grape growers will be at a rate that will raise an amount equal the revenues from the wine producer assessment. During the 1988 legislative session, the legislature will determine the basis upon which growers will be assessed and the method of collecting the assessment. If on July 1, 1989, there is not in effect an assessment on vinifera grape growers equivalent to the assessment on wine producers, the commission positions filled by the grape growers will cease to exist. In such an event, the commission will be composed of six voting members and one non-voting member. After July 1, 1993, the commission may change its assessments, subject to the approval of wine producers and grape growers. Prior to July 1, 1996, a referendum of wine producers and grape growers must be conducted to determine whether the commission is to be continued as representing both wine producers and growers. If a majority of only one of those two groups favors the continuation, assessments will be levied only on the group favoring continuation.

The commission will create and conduct a comprehensive research, promotional and educational campaign. It will ascertain the needs of producers, market conditions and other factors. Among the major objectives of the commission are efforts to: establish Washington wine as a major factor in markets everywhere; promote state wineries as tourist attractions; and advance the knowledge and practice of producing and processing wine grapes in this state. Other duties and authorities of the commission are assigned and the liability of individuals on the commission, as well as the employees and agents of the commission, is limited.

The commission may purchase or receive donations of wine from wineries and may use the wine for promotional purposes. No license, permit or bond is required of the commission under the state's liquor control laws for its promotional activities. Wine sold or donated to the commission which is used in the state is subject to the state wine tax.

Votes on Final Passage:

House	94	3	
Senate	43	5	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	39	5
House	97	0

Effective: July 1, 1987
July 1, 1989 (Section 10)

SHB 571

C 399 L 87

By Committee on Environmental Affairs (originally sponsored by Representatives Grant, Hankins, Jesernig, Prince, Rayburn, Nealey, Brooks, Brough, L. Smith, D. Sommers, May and Miller)

Permitting municipalities to discharge from municipal water treatment plants if the intake is from the same body of water as the discharge and water quality standards remain high.

House Committee on Environmental Affairs
Senate Committee on Parks & Ecology

Background: Under the Pollution Control Disclosure Act of 1971 and the Water Resources Act of 1971, wastes discharged into the waters of the state must be provided with "all known, available, and reasonable methods of treatment" prior to discharge. Untreated wastes may not be discharged into the state's waters if the discharge will reduce the quality of the water, even where minimum water quality standards will not be violated.

Some municipal water treatment plants utilize "intake water" taken from a river and discharge the untreated waste removed from these waters back into the river. The Department of Ecology requires that this "backwash water" be treated. This treatment consists of disposal of "backwash water" in a settling pond and disposal of the discharge from the settling pond in a solid waste landfill.

Summary: Effluent discharge standards for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis and Skagit rivers will be adjusted to reflect credit for substances removed from plant intake water if intake water is drawn from the same body of water into which the discharge is made and no violation of receiving water quality standards or appreciable environmental degradation will result.

Votes on Final Passage:

House	89	6
Senate	43	0

Effective: July 26, 1987

SHB 578

C 358 L 87

By Committee on Local Government (originally sponsored by Representatives Holm, Haugen, Belcher and Amondson)

Establishing dates for establishment of taxing district boundaries for levy purposes.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Boundaries of a taxing district are established for purposes of imposing property taxes in any year on the first day of March. Property taxes are imposed in December and then collected in the following year.

Summary: The date for establishing the boundaries of a taxing district for imposing property taxes is changed from the first day of March to the first day of June, if a boundary change that has been made is coterminous with the boundaries of another taxing district as it existed as of the first day of March of that year.

Votes on Final Passage:

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

Effective: July 26, 1987

SHB 585

C 142 L 87

By Committee on Transportation (originally sponsored by Representatives Nutley, Peery, Sutherland, Cooper, L. Smith, Walk and P. King)

Clarifying residency and nonresidency status for vehicle registration purposes.

House Committee on Transportation
Senate Committee on Transportation

Background: For the purposes of vehicle registration, residency status may be established in a variety of ways. A person is a resident if he or she: 1) owns a licensable vehicle which is present within the state for six months of any continuous 12-month period; 2) resides within the state for more than six months in any continuous 12 months; 3) registers to vote in the state; or 4) receives benefits under one of the Washington public assistance programs. State residency can also be established when obtaining a state license or resident state tuition.

New residents of the state are directed to register vehicles with the Department of Licensing.

Provisions have been enacted to permit nonresident persons to operate vehicles licensed in other jurisdictions for a period of 180 days. A nonresident person who is employed in Washington is permitted to operate a vehicle licensed outside the state for more than 180 days. There is also a provision which permits the operation of a vehicle licensed in another jurisdiction when used for business purposes and when the vehicle is not owned or operated by a business or branch office within Washington.

Summary: The term "resident" is defined as a person who manifests an intent to live or be located within the state on more than a temporary basis as evidenced by registering to vote, receiving benefits from a Washington public assistance program, or obtaining a state license or resident rate tuition fees or other evidence which indicates an intent to establish permanent residency within the state. A "Washington public assistance program," as evidence of residency, means that more than 50 percent of the cost of benefits and administration of the program is provided from state funds.

New residents of the state have 30 days from the date of residency in the state to acquire Washington registration for their vehicle.

Persons who are not residents and not employed in the state may operate a vehicle, properly licensed in another jurisdiction, no longer than six months in any continuous 12-month period. Persons who are not residents of the state but are employed in the state may operate vehicles of 12,000 pounds gross weight or less currently licensed in another jurisdiction, provided that no permanent or temporary residency is maintained in the state for a period more than six months in any continuous 12-month period.

Vehicles of 12,000 pounds gross weight or less which are properly licensed in another jurisdiction may be operated within the state without registration in Washington when the vehicle is registered in the licensing jurisdiction.

Purchasers of vehicles having foreign license plates must remove and destroy the vehicle's license plates unless required to return the plates to the seller, the jurisdiction issuing the plates or for other reasons deemed appropriate by the Department of Licensing.

License plate frames are permitted to be used on vehicles licensed in the state provided they do not obscure any identifying number, letter or license tab and that the frame, holder or other material does not make the plates illegible.

Votes on Final Passage:

House	96	0
Senate	48	0

Effective: July 26, 1987

2SHB 586

PARTIAL VETO

C 503 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Scott, Lewis, Brekke, Winsley, Leonard, Brough, Betrozoff, R. King, Doty, P. King, Todd, Unsoeld and May)

Providing for comprehensive child protective services.

House Committee on Human Services
House Committee on Ways & Means/Appropriations
Senate Committee on Human Services & Corrections

Background: Following several reviews of the Child Protective Services Program, a group of professionals recommended several steps to improve program operations. The group, consisting of members of the House of Representatives, professionals representing law enforcement, academia, day care, medical fields, social services and corrections, unanimously concluded that certain specific services needed to be strengthened and expanded. These included such community resources as multi-disciplinary teams, therapeutic day care, foster parent support services, visiting public health nurses, parenting education and counseling services. In addition, the group felt that to improve the performance of department staff several changes were needed. These included additional staff, implementation of a risk assessment tool for prioritizing and screening cases, additional training and experience to become and remain a caseworker.

Summary: A children's services pilot project is created in Kent, Spokane and Chehalis providing a complete continuum of care from early intervention through foster care and permanency planning. A risk assessment tool prioritizing child abuse and neglect cases is to be implemented in each of the three pilot sites. A management information system for collecting baseline children's services data and evaluating the projects is established. The project will begin on January 1, 1988, and end on December 31, 1989. An independent evaluation contracted out by the Legislative Budget Committee is authorized. The Joint Select Committee on Children and Family Service is established to oversee the projects.

Training standards for caseworkers are strengthened by requiring that training be completed before a caseworker can perform tasks without direct supervision. The Department of Social and Health Services is required to develop a plan to implement a children's services training academy.

Training is established for juvenile court personnel who handle cases of child abuse and neglect including juvenile court judges, prosecutors, public defenders, administrative law judges and law enforcement through the Office of Administrator for the Courts, Office of Administrative Hearings and Criminal Justice Training Commission.

Community multi-disciplinary teams are mandated and defined. The department is required to provide information on and referral to available counseling services for victims of child abuse and neglect.

The department is required to increase foster parent training and supportive services, increase therapeutic day care, hire 21 clerical support staff, use electronic support equipment, hire 45 public health nurses, establish a Title IV B and E eligibility determination program to ensure maximum use of federal funds, hire homemakers and hire six assistant attorneys general.

Criminal penalties, under the crime witness law, for failure to report are expanded to include sexual offenses against adults or children and assault likely to include bodily harm against children or adults unable to care for themselves.

Votes on Final Passage:

House	96	0	
Senate	48	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 1, 1987

Partial Veto Summary: Provisions creating and relating to the Joint Select Committee on Children and Family Services are deleted. (See VETO MESSAGE)

HB 590

C 263 L 87

By Representatives Doty, Haugen, McLean, Cooper, Nealey, Brough, Rayburn, Kremen, Brooks, Betrozoff, Lewis, C. Smith, Winsley and May

Establishing immunity from civil liability for certain local government officials.

House Committee on Local Government
Senate Committee on Judiciary

Background: Elected officials of special purpose districts are immune from civil liability for damage arising from action performed within the scope of their official duties or employment, if their tortious actions did not benefit themselves. Liability remains on the special purpose districts for the tortious conduct of their officials to the extent otherwise authorized.

Summary: Appointed officials of special purpose districts are afforded the same immunity from civil liability for damages arising from actions performed within the scope of their official duties that is granted to elected officials of special purpose districts.

County coroners or county medical examiners are immune from civil liability for determining the cause and manner of death. The accuracy of such a determination is subject to judicial review.

Votes on Final Passage:

House	98	0	
Senate	45	1	(Senate amended)
House	97	1	(House concurred)

Effective: July 26, 1987

SHB 601

C 353 L 87

By Committee on Judiciary (originally sponsored by Representatives Day, Dellwo, D. Sommers, Silver, Padden, Taylor and Nealey)

Prohibiting failure to pay for use of public accommodations.

House Committee on Judiciary
Senate Committee on Judiciary

Background: Washington state law authorizes many kinds of civil lawsuits and provides many immunities from lawsuits, as well. Included as civil causes of action are stealing goods from a store and leaving a restaurant without paying.

An adult or emancipated child who steals goods from a store, or who leaves a restaurant without paying for the meal, is subject to the following civil penalties: (1) actual damages (i.e., cost); (2) a penalty equal to the retail value of the goods or meal, not to exceed $1,000; and (3) a penalty of $100 to $200.

A parent or a legal guardian of a minor who steals goods from a store, or who leaves a restaurant without paying for the meal, is subject to the following civil penalties: (1) a penalty of the retail value of the goods or meal, not to exceed $500; and (2) a penalty of $100 to $200. This "vicarious" liability does not apply to a governmental entity or private agency that has been assigned responsibility for the minor child pursuant to a court order or administrative action.

A conviction on a related criminal law dealing with theft and robbery is not a pre-requisite for taking action under these civil remedies.

Summary: Reasonable attorney's fees and court costs are available to a merchant who recovers damages from a customer who takes goods or certain services without paying.

Foster parents who have been assigned responsibility for a minor child pursuant to a court order or as prescribed by the Department of Social and Health Services are immune from vicarious liability under this law.

Hotels, motels and boarding or lodging houses are added to the list of those who can take civil action to recover damages authorized in the law.

An owner or seller of goods or services initiates this civil process by issuing a demand for payment of the penalty. This demand must include a notice which advises the person possibly subject to the penalty that even after payment of a civil penalty, the person may still face criminal prosecution under a related criminal law.

Votes on Final Passage:

House	96	0	
Senate	49	0	(Senate amended)
House	93	0	(House concurred)

Effective: July 26, 1987

SHB 611

C 272 L 87

By Committee on Ways & Means (originally sponsored by Representatives Scott, S. Wilson, P. King, Hankins, Zellinsky, Allen, R. King, Day, Haugen, May, Hargrove, Cantwell, J. Williams, Sprenkle, Jesernig and Miller)

Providing funds to offset the impact of the Navy home port in Everett.

House Committee on Ways & Means

Background: The U.S. Congress authorized $43.58 million for federal fiscal year 1987 for a Navy home port in Everett, Washington. Congress said this money could not be spent until the state of Washington appropriated its share of funds for home port impacts.

The Washington State Department of Community Development worked with other state agencies to estimate the increase that will occur in state expenditures and revenues as a result of the home port being

located in Washington. Demand for public services is expected to increase primarily as a result of population growth associated with the base, but also because of the need to make plans to accommodate this growth and to monitor dredging, dredge spoils disposal and construction.

The harbor where the home port will be located is home to private commercial and shipping enterprises. Various permits are required for harbor dredging necessary to accommodate the home port.

Summary: Money is appropriated to the Office of Financial Management to offset the increased demands for public services during the 1987–89 biennium as a result of the location of the home port in Everett, Washington. The money is to be allocated to specific agencies based on increased agency operating expenditures and workload directly associated with the home port: school enrollments (Superintendent of Public Instruction), caseloads (Department of Social and Health Services), monitoring (Departments of Ecology and Fisheries), inspections (Department of Labor and Industries) and planning (Department of Community Development).

The General Fund–state appropriation is $10.47 million. The General Fund–federal appropriation is $1.17 million. These federal funds go to certain programs, such as Aid to Families with Dependent Children (AFDC) and Medicare, that are administered by Department of Social and Health Services, but receive some federal money. Appropriations of other state funds total $1.46 million.

No funds can be spent, except for planning or monitoring, until: 1) actual construction or site preparation for the home port has begun; 2) the federal government releases to be expended the $43.5 million appropriated in federal fiscal year 1987 for construction of the home port; and 3) all required local, state and federal permits for site construction, preparation and dredging are obtained.

Reports to the legislature on funds spent and other actions by the governor regarding the home port are required.

The legislature intends that the harbor area outside the home port remain free for navigation and commerce, except in periods of national emergency.

Votes on Final Passage:

House	76	22
Senate	40	8

Effective: May 7, 1987

SHB 614

PARTIAL VETO

C 346 L 87

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Fisher, Madsen, Miller, Fisch, Crane and Unsoeld)

Revising laws on absentee voters.

House Committee on Constitution, Elections & Ethics
Senate Committee on Judiciary

Background: To vote by absentee ballot, a registered voter may apply in writing to the county auditor during the period beginning 45 days and ending one day prior to an election or primary. An application for a primary ballot serves as the application for a ballot for the following election if so indicated on the application. These procedures also apply to voters who are temporarily outside of the state.

Other statutes specify procedures for absentee ballots for service voters. A service voter is defined as being an elector from any of the following categories: members of the armed forces while in the active service; students and faculty members of the U.S. military academies; members of the U.S. merchant marine; civilian employees of the United States serving outside the territorial limits of the United States and the District of Columbia; members of religious groups or welfare agencies assisting members of the armed forces who are officially attached to and serving with the armed forces; and citizens of the United States and the state temporarily residing outside of the state.

State law also authorizes disabled voters and voters over the age of 65 to apply for and be granted the status of "ongoing" absentee voters.

Summary: The legislature expresses its intention to unify the laws and procedures governing absentee voting. No new requirement on the ability of the registered voters or electors of this state to qualify for, receive or cast absentee ballots is intended.

An out–of–state voter is defined as being an elector of the state who is outside of the state but not outside the territorial limits of the United States or the District of Columbia. An overseas voter is defined as being an elector of the state who is outside the territorial limits of the United States or the District of Columbia. A service voter is defined as being an elector of the state who is a: member of the armed forces while in active service, student or member of the faculty at a U.S. military academy, member of the U.S. merchant marine or member of a religious group or welfare agency officially attached to and serving with the U.S. armed forces.

The provisions of law governing absentee voting by service voters are repealed and provisions of law governing absentee voting by others are expanded to incorporate voting by out-of-state, overseas and service voters. Either the application for an absentee ballot from an out-of-state voter, overseas voter or service voter or the oath on the return envelope for such a voter will include a declaration of the qualifications of the applicant as an elector of this state. Under current law, a service voter's request for an absentee ballot must list the facts qualifying the person as a service voter.

The provisions of law authorizing certain disabled voters to become "ongoing" absentee voters are altered. A disabled voter is also a person who qualifies to receive voting assistance under state law.

A registered voter is not allowed to vote in the precinct polling place at any primary or election for which the voter has cast an absentee ballot; rather than, under current law, at any primary or election for which the voter has requested an absentee ballot. A person who has requested an absentee ballot but wishes to vote at the polling place must vote a "questioned" or challenged ballot.

The authority of the secretary of state to adopt rules governing absentee ballots and voting by absentee ballots in expanded.

Absentee ballots will be grouped and counted by congressional and legislative district, rather than simply by legislative district. Lists of information from absentee ballot applications are to be made available to the public, rather than lists of the applications and the applications themselves being made available. The qualifications of an absentee voter may be challenged at the time the signature on the return envelope is verified and the ballot is processed, rather than at the time the ballot is canvassed.

It is expressly stated that all properly and timely voted absentee ballots which have been received on or before the 10th day after a special election or primary or the 15th day after a general election must be included in the canvass for that primary or election. Meetings of the canvassing board are public meetings.

Provisions of law are repealed which: require the issuance of certificates for absentee ballot requests; establish an alternative method for processing absentee ballots; permit a candidate to have uncounted absentee ballots informally counted after the time has elapsed in which to file a request for a recount or to contest an election; specify certain procedures for entering on registration records the names of persons who cast absentee ballots; and establish certain other procedures used in absentee voting.

Votes on Final Passage:

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

Effective: January 1, 1988

Partial Veto Summary: A provision is vetoed which is also contained in SSB 5045 and has already been signed into law. (See VETO MESSAGE)

SHB 621

C 3 L 87 E1

By Committee on Ways & Means (originally sponsored by Representatives Bristow, Silver, Locke, Holland, Grimm, L. Smith, Basich and P. King; by request of Governor Gardner)

Authorizing state general obligation bonds for capital projects.

House Committee on Ways & Means
Senate Committee on Ways & Means

Background: Bond issues are required to fund appropriations for projects contained in the capital budget. These projects are for various state agencies including higher education, parks, fisheries and common schools.

Summary: The state finance committee is authorized to issue $412 million in general obligation bonds to carry out the purposes of the capital budget. This authorization includes $30 million which will be transferred to the common school construction account.

The authorization includes bonds for appropriations in the supplemental budget, $1.1 million, as well as $3.2 million in reimbursable bonds for Washington State University. Finally, the measure consolidates into this authorization a small amount of current bonding authority, $2.0 million, for the fisheries capital account and the outdoor recreation account.

Votes on Final Passage:

Regular Session

House	64	34

First Special Session

House	64	29
Senate	34	12

Effective: August 20, 1987

HB 628

C 494 L 87

By Representatives Basich, Haugen, Hargrove, Kremen, Fisch, Vekich, Zellinsky, P. King and Holm

Exempting sales of diesel fuel used in commercial fishing vessels from sales and use tax.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: Washington commercial deep sea fishing boats and commercial passenger fishing boats range out of Washington waters in search of good fishing. Owners of these vessels can purchase diesel fuel in Oregon and avoid the Washington sales tax. While in Oregon ports, they can also buy supplies, equipment and boat repair services that might otherwise be purchased in Washington.

Summary: Diesel fuel used for commercial deep sea fishing or the operation of commercial passenger fishing boats with regular operations outside Washington waters is exempted from the retail sales and use tax.

Votes on Final Passage:

House	80	17
Senate	48	0

Effective: July 26, 1987

HB 629

C 392 L 87

By Representatives Fisch, Schmidt, Zellinsky, Gallagher, Haugen and J. Williams

Expanding the board's authority over pilot discipline.

House Committee on Transportation
Senate Committee on Transportation

Background: The Board of Pilotage Commissioners is granted the power to investigate the performance of pilotage services subject to the State Pilotage Act. All vessels under enrollment and all United States and Canadian vessels engaged exclusively in trade on the West Coast are exempt from the act and from the obligation to employ state-licensed pilots. The operators of some enrolled vessels, although not required by state law to do so, employ state-licensed pilots while operating in Puget Sound and Grays Harbor.

The board has the authority to issue a fine or to suspend, withhold or revoke a state pilot's license for misconduct, incompetency, inattention to duty, intoxication or failure to perform his or her duties while that pilot is on a vessel under state pilotage jurisdiction (registered vessel).

When a state-licensed pilot performs services on a vessel not under state jurisdiction (enrolled vessel), the board may investigate whether those services were performed in a professional manner consistent with sound maritime practices. If the board finds that those services were performed in a negligent manner, the board shall impose a fine of not more than $5,000 upon the offending pilot. Federal law grants to the United States Coast Guard exclusive jurisdiction over the licensing of pilots on enrolled/coastwise vessels.

The board does not have the authority to partially or totally stay a disciplinary action, or to require of a pilot the satisfactory completion of a training or treatment program. It also does not have authority to provide for disciplinary or corrective measures to be taken after multiple disciplinary actions have been taken against a pilot in a specified period of time.

Any action taken by the board to suspend a pilot's license requires a hearing process as well as an extended appeals process. The board has no authority to temporarily suspend a pilot's license on an emergency basis.

A joint subcommittee of the House and Senate Transportation committees reviewed the State Pilotage Act during 1986. Recommendations of that subcommittee related to discipline of pilots are set forth in the bill.

Summary: The Board of Pilotage Commissioners' authority for pilot discipline is expanded in the following ways:

For state-licensed pilots on registered vessels, the board is authorized to reprimand a pilot.

For state-licensed pilots on enrolled vessels, the board is authorized to reprimand a pilot, or to suspend, revoke or withhold that pilot's license. Language by which the board determines pilot negligence is expanded to parallel that of the test for negligence on board a registered vessel. The new tests are for incompetence or misconduct, or violation or failure to comply with state laws or regulations intended to promote marine safety. The board may impose any combination of disciplinary actions on registered or enrolled vessels.

The board is authorized to partially or totally stay a disciplinary action and to require of a pilot the satisfactory completion of a training or treatment program.

The board is directed to implement a system of specified disciplinary or corrective actions when multiple disciplinary actions have been taken against a pilot in a specified period of time.

The board is authorized to temporarily suspend a pilot's license when the pilot has been involved in a

major accident (loss of life, major property damage or loss of vessel), or for diminished mental capacity or use of substances when such would affect an individual's ability to pilot. The board is to develop rules for exercising this authority, including authorizing the chair or vice chair to order temporary suspensions, providing for emergency meetings of the board, setting the length of suspension and establishing an appeal process.

A severability clause is provided.

Votes on Final Passage:

House	95	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 26, 1987

SHB 630

PARTIAL VETO

C 485 L 87

By Committee on Transportation (originally sponsored by Representatives Zellinsky, Schmidt, Gallagher and Haugen)

Revising certain pilotage requirements.

House Committee on Transportation
Senate Committee on Transportation

Background: The State Pilotage Act creates the Board of Pilotage Commissioners and outlines its authority and duties. The board is composed of two pilots, two shippers and two additional members who are to be persons interested in and concerned with pilotage with broad experience related to the maritime industry, exclusive of experience as either a state licensed pilot or as a shipping representative. The pilot and the shipping representatives must be actively engaged in those activities at the time of appointment. There is no prohibition that the other two members of the board must not be either a state pilot or a shipping company person.

The board does not have the authority to preclude a pilot from serving on a certain company's vessels.

To prosecute violators of the State Pilotage Act, the board must bring charges through the prosecuting attorney in the county where a violation of the act has occurred.

A joint subcommittee of the House and Senate Transportation committees reviewed the State Pilotage Act during 1986. This legislation reflects many of the recommendations of that subcommittee.

Summary: The following changes in the Board of Pilotage Commissioners' structure are made: (1) the chair of the Board of Pilotage Commissioners is changed from the secretary of the Department of Transportation to the assistant secretary for the Marine Division; (2) the shipping and pilot members of the board must remain actively engaged in those respective vocations while serving on the board; (3) one each of the pilot representatives on the board must be from the Grays Harbor and the Puget Sound pilotage districts; and (4) citizen members of the board may not have been pilots or employees of a shipping company for 10 years prior to appointment to the board, and may not have any direct financial interest related to pilotage or shipping companies.

The board is authorized to bring actions to prosecute those violating the State Pilotage Act through the attorney general, in addition to the current authority for using a county prosecuting attorney.

A steamship company or agent may request to the board, for specific safety reasons, that a particular pilot not be assigned to its vessels. A hearing on that request is provided and the board is granted the authority to deny a pilot the ability to serve on that company's vessels.

The Grays Harbor Pilotage District is redefined to include Willapa Harbor, and the board is given authority to establish the boundary line between the harbors and the high seas.

Votes on Final Passage:

House	95	0	
Senate	46	2	(Senate amended)
House	96	0	(House concurred)

Effective: July 26, 1987

Partial Veto Summary: Changes providing that citizen members of the Board of Pilotage Commissioners may not have been state licensed pilots or shipping employees for 10 years prior to appointment to the board and may not have a direct financial interest related to pilotage or shipping companies are vetoed. (See VETO MESSAGE)

HB 643

C 169 L 87

By Representatives Beck and Haugen

Permitting sewer and water districts to place prepaid special assessments associated with utility local improvement districts directly into the construction fund.

House Committee on Local Government

Senate Committee on Governmental Operation

Background: Laws relating to sewer district and water district utility local improvement districts (ULID's) require prepaid special assessments to be placed into the bond fund used to retire revenue bonds. Revenue bonds must be issued to cover both the amount of prepayments and the amount or special assessments that are not prepaid. Those revenue bonds issued to cover the portion of the prepaid assessments are immediately redeemed with the prepayments.

Summary: Sewer district and water district laws are altered to allow prepaid special assessments associated with utility local improvement districts (ULID's) to be placed directly into the fund used to finance construction costs, instead of into the revenue bond fund.

Votes on Final Passage:

House	93	0
Senate	45	0

Effective: July 26, 1987

SHB 644

C 481 L 87

By Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, May, Hine, Unsoeld, Valle and Rasmussen; by request of Puget Sound Water Quality Authority)

Authorizing the department of ecology to certify testing laboratories for departmental submittals.

House Committee on Environmental Affairs
Senate Committee on Parks & Ecology

Background: Laboratory analyses are often required by federal, state or local water quality laws. The Department of Ecology and the U.S. Environmental Protection Agency rely on these results to determine whether the law and associated permit requirements are being followed, and whether enforcement action is necessary. The Department of Social and Health Services relies on results of analyses of water quality and shellfish tissues to be sure that fecal coliform levels are within specific levels designed to protect human health. Laboratory analyses are also conducted to establish trends and to answer specific questions.

Procedures for the collection and analysis of environmental samples are not currently standardized. Quality control and quality assurance procedures are generally lacking. In cases where they do exist, there is no way to determine whether or not they are followed. Thus, laboratory results are not always reliable. Some entities use their own laboratories to test their effluent, and each one may have a slightly different procedure. This results in data bases that are not comparable. Agencies with large ambient monitoring programs also lack comparable data from year to year. This makes it difficult to determine trends or toxicant levels in a specific body of water.

Summary: The Department of Ecology is authorized to certify laboratories that submit data to the department. Fees for certification may be charged to cover the department's costs. The certification may consider: 1) evaluation of procedures; 2) determination of the accuracy of test results; 3) certification of laboratories based on prior certification by another state; and 4) other appropriate factors. The department may require any person submitting data to use a laboratory certified by either the department or the U.S. Environmental Protection Agency. The maximum fee that can be charged to persons who: 1) have a federal permit; 2) operate a lab solely for their own use; and 3) require certification solely for conventional pollutants, is $4,000, or the actual cost of providing certification, whichever is less.

Persons who have state or federal wastewater discharge permits will not be charged a fee before September 30, 1988. The Department of Ecology may not duplicate federal requirements.

Labs owned by persons holding wastewater permits and operated solely for their own use and that participate in federal quality assurance programs are exempt from certain certification and fee requirements.

Votes on Final Passage:

House	94	3	
Senate	47	1	(Senate amended)
House	97	0	(House concurred)

Effective: July 26, 1987

SHB 646

C 406 L 87

By Committee on Human Services (originally sponsored by Representatives Brekke, Winsley, H. Sommers, R. King, Leonard and Sanders; by request of Department of Social and Health Services)

Establishing an alcoholism and drug addiction treatment and shelter program.

House Committee on Human Services
House Committee on Ways & Means
Senate Committee on Human Services & Corrections and Committee on Ways & Means

SHB 646

Background: Caseloads in the state General Assistance–Unemployable Program have been rising at a high rate. Experts contend that much of the growth is due to a rapid increase in the number of persons receiving drug or alcohol abuse related assistance. In order to more efficiently use state funds for general assistance and to provide more appropriate services, it is suggested that persons who are unemployable due to drug or alcohol addiction be provided direct shelter and treatment services instead of cash assistance.

Summary: The Alcoholism and Drug Addiction Treatment and Support Program is established for those incapacitated due to drug/alcohol addiction. They will no longer be covered under the General Assistance–Unemployable Program. The treatment and support program will include assessment, treatment, shelter and assistance in application for Supplemental Security Income (SSI) and medical care. The eligibility requirements for the treatment and shelter program are the same as for the General Assistance Program. The Department of Social and Health Services must provide client assessment services, including diagnostic evaluation, arranging admission to treatment or shelter programs and assisting with SSI applications. Treatment services include inpatient, recovery house and outpatient services and are limited to six months in any two-year period with allowance for exceptions to the time limit. The department is required to provide shelter for persons eligible for the treatment and shelter program.

The counties may establish a diagnostic/detention center to handle the assessment services and use department funds for assessment, detoxification, involuntary detention and involuntary treatment for the purposes of the diagnostic/detention center.

The department is required to adopt by rule medical criteria for General Assistance eligibility and not terminate a recipient absent a material improvement in their medical or mental condition or specific error in the eligibility determination.

The Public Assistance Protective Payee Law is amended to allow a fee set by rule for the administrative costs of serving as a protective payee. The fee is not to be deducted from a public assistance recipient's grant.

Votes on Final Passage:

House	95	1	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 26, 1987

SHB 648

PARTIAL VETO

C 438 L 87

By Committee on Agriculture & Rural Development (originally sponsored by Representatives Bristow, Doty, Baugher, Rayburn, Grant, Chandler, Lewis, Jesernig, C. Smith, Sutherland, Brough, Unsoeld, Fuhrman and Todd)

Changing provisions relating to noxious weed control.

House Committee on Agriculture & Rural Development

Senate Committee on Agriculture

Background: The State Noxious Weed Control Board must adopt at least annually a list of plants it finds to be injurious to crops, livestock or other property. Each county noxious weed control board must select weeds from the list it finds necessary to be controlled in the county. In certain instances, the state board may order a county board to include a weed from the state's list on the county's list.

If a county weed board finds that noxious weeds are present on a parcel of land and the owner is not taking sufficient action to control the weeds, the county board must notify the owner that a violation of the state's noxious weed control exists. If the owner does not take action to control the weeds in accordance with the notice, the county board may control them at the expense of the owner.

County legislative authorities are expressly authorized to appropriate monies from their general funds for noxious weed control programs and to levy assessments against land for this purpose. A county legislative authority may also create one or more weed districts within its boundaries. Intercounty weed districts may include parts or all of two or more counties.

Summary: STATE BOARD. The membership of the State Noxious Weed Control Board is expanded to nine voting members and three nonvoting members. The state board will adopt a state list of noxious weeds. Findings regarding the inclusion of a plant on the state list must be available upon request. Weeds on the state list will be divided into three classes: class A, class B, and class C.

DIRECTOR OF THE DEPARTMENT OF AGRICULTURE. The director of the Department of Agriculture must adopt rules regarding articles, products or feed stuff containing noxious weed seeds or toxic weeds, and limit the amount of the seeds or weeds that such items may contain. Any person who knowingly or negligently sells such an item in violation of these limits is guilty of a misdemeanor.

Upon receipt of a complaint from an adjacent county noxious weed control board or weed district, the director may require the county legislative authority or county board or weed district which is the subject of the complaint to control the noxious weeds cited in the complaint. In certain circumstances, the director may control the weed or cause it to be controlled and the county or district is liable for payment of the expense. In a county without an activated county board, the director may act as the county board to control noxious weeds. The director may require a county to activate a county board in certain circumstances. The director may employ staff to administer the weed control program.

The authority of the director regarding activities of county boards is applied to weed districts as well. Weed districts are granted the authority to establish weed quarantines with the approval of the director.

COUNTY NOXIOUS WEED CONTROL BOARDS. The members of the county board are appointed by the county legislative authority, rather than being elected by landowners.

A county board's weed control list consists of all class A weeds, those class B weeds that have been designated for control in the county's region and the weeds the county board selects from the class C list.

Within 60 days from initial employment by a county board, a weed coordinator must obtain a pest control consultant license, a pesticide operator license and the applicable license endorsements.

TIMBERED LANDS. A provision of law is repealed which prohibits land from being classified for weed control purposes as agricultural land solely because it is used for trees for timber. Such lands with dense forest canopies must always control weeds to the same extent as the owner of nonagricultural land. This includes eradicating all class A weeds and controlling and preventing the spread of class B weeds designated for control in the region. Forest lands are subject to all weed control requirements for a single period of five years following the harvesting of the trees for timber.

WEED ASSESSMENTS. Assessment rates will either be uniform per acre in each land classification or a flat rate per parcel rate plus a uniform rate per acre. Forest lands used solely for trees and with dense canopies (except following clear-cut logging) may be subject to an annual assessment that will not exceed one-tenth of a specified weighted average of the per acre assessment levied on certain other lands. For counties levying a per parcel assessment, the per parcel assessment on such forest lands will not exceed one-tenth of the assessment on nonforest lands.

CIVIL INFRACTIONS. A civil infraction for certain violations of the weed control statutes is created. Any landowner knowing of the existence of any noxious weeds on the owner's land who fails to control the weeds as required by law or rules or any person who enters upon any land in violation of a weed quarantine has committed a civil infraction. Procedures are established for filing a notice of infraction, responding to notices, conducting hearings on such infractions and mitigating an infraction. A person found to have committed a civil infraction will be assessed a monetary penalty not exceeding $1,000. The state board must adopt a schedule of penalties and submit the schedule to the appropriate court. Civil fines received by the courts will be paid to the county board less any mandatory court costs and assessments.

OTHER. A weed control assessment constitutes a lien against the property and the county legislative authority may require that it be collected in the manner provided for delinquent property taxes if not paid or appealed.

The obligations or liabilities incurred by any county or regional board for any claims against either are specified. The authority currently granted by the weed control laws for entering property and performing work without the consent of the landowner is repealed. A warrant from superior or district court may be sought for such actions where securing such a warrant is otherwise required by law. A person who improperly prevents or threatens to prevent such an entry or interferes with the administration of the weed control laws is guilty of a misdemeanor.

The uses of monies appropriated to the department for weed control are specified and a report regarding monies disbursed to weed boards and districts is required every two years. Compensation for expenses is authorized for regional (multi-county) weed board members. Procedures are established for deactivating a county noxious weed control board. Provisions of law are repealed which authorize the creation of weed extermination areas.

Votes on Final Passage:

House	97	0
Senate	49	0

Effective: July 26, 1987

Partial Veto Summary: A provision is vetoed which would have required that fines recovered for civil infractions be paid, less court costs and assessments, to the local county weed boards. (See VETO MESSAGE)

HB 654

C 213 L 87

By Representatives Patrick, Wang and Sayan; by request of Employment Security Department

Changing provisions relating to experience rating for purposes of unemployment insurance contributions by employers.

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

Background: The experience rating system for unemployment compensation allows pooling of part of the benefit charges made against employers who have employees that are identified as marginally attached to the labor force. The law also provides that the full relief of these pooling provisions will be accelerated by estimating the charges from prior years. These acceleration procedures were found not to conform with federal law by the secretary of the U.S. Department of Labor. Because the law contained a federal severability clause, the acceleration procedures are inoperative.

To qualify for experience rating, an employer may not be delinquent in paying any contributions due for unemployment compensation. The Employment Security Department may, however, disregard unpaid amounts if the amount is less than $25 or less than one-half of 1 percent of the employer's yearly tax.

Summary: The inoperative section is repealed that provides for accelerated relief under the pooling provisions for employers with employees marginally attached to the labor force.

The Employment Security Department is allowed to disregard delinquent payments of less than $100 for the purposes of determining an employer's eligibility for experience rating.

Votes on Final Passage:

House	95	0
Senate	48	0

Effective: April 29, 1987

SHB 656

C 171 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Cole, Patrick, Wang, Sayan, Holm and Todd; by request of Employment Security Department)

Establishing program and funding for services for the unemployed.

House Committee on Commerce & Labor
House Committee on Ways & Means/Appropriations
Senate Committee on Commerce & Labor

Background: The 1985 Legislature established a temporary two-year job service program to assist in reemployment of persons drawing unemployment compensation, to provide employment assistance to the agricultural industry and to research the degree to which the Employment Security Department could contract with private agencies and organizations to provide these job placement services. One goal of the program is to target unemployment insurance claimants for job placement early in their claim period to reduce the length of the claims and the amount of benefits paid. The legislature requested that the department prepare a report on the program by December 1, 1987. The program expires July 1, 1987.

The program is funded by a special 0.02 percent surtax that is collected solely from employers. This surtax is accompanied by a temporary 0.02 percent reduction in the unemployment tax rates for employers in 19 of the 20 experience rated classes. If federal funding is increased to provide for these same job placement services, then this surtax would not be collected.

Summary: The job service program is made permanent. The provision is deleted that directed the Employment Security Department to research and consider contracting with private employment agencies for job placement services.

The unemployment insurance contribution rate for employers in 19 of the 20 experience rated classes is permanently reduced by 0.02 percent, and a permanent 0.02 percent surtax is established. Sums collected from this surtax are to be used for the job service program.

Six million three hundred fifty thousand dollars is appropriated from this special account for the 1988-1989 biennium. However, if federal funding for services provided by the job program is increased, this appropriation will be reduced by the same amount that federal funding is increased, and the savings will be deposited in the Unemployment Compensation Fund.

Votes on Final Passage:

House	95	0
Senate	49	0

Effective: July 26, 1987

HB 658

C 133 L 87

By Representatives Appelwick, Sanders, P. King and May

Prescribing a nonnotarized filing form for precinct committeeman.

House Committee on Constitution, Elections & Ethics
Senate Committee on Judiciary

Background: Each candidate desiring to have his or her name printed on a ballot for any office, other than the office of president or vice president or an office in a jurisdiction in which ownership of property is a prerequisite for voting, must file a declaration and affidavit of candidacy. The form of the declaration and affidavit is prescribed by law.

Summary: A new form is prescribed for a declaration of candidacy for the office of precinct committeeman. The form is similar to the form for other offices but does not contain a portion which must be notarized.

Votes on Final Passage:

House	95	0
Senate	48	0

Effective: July 26, 1987

HB 663

C 247 L 87

By Representatives Dellwo and Armstrong

Measuring breath alcohol content.

House Committee on Judiciary
Senate Committee on Judiciary

Background: Persons convicted of driving while intoxicated (DWI) may be given a variety of punishments, including loss of driving privileges. A first time offender will lose the privilege for 90 days or until age 19, whichever is longer. However, a first-time offender may be able to qualify for an occupational drivers license after 30 days. A second offense within five years results in a one-year loss, and a third offense results in a two-year loss.

First-time DWI offenders may qualify for a deferred prosecution. Successful completion of a deferred prosecution program means the charges against the offender are dropped. To qualify, the offender must demonstrate that he or she suffers from alcoholism. A deferred prosecution program requires total abstinence from alcohol.

Ignition interlock devices have been developed that can be calibrated to prevent a driver from starting a motor vehicle if he or she has more than a certain amount of alcohol in his or her breath.

Summary: A court may restrict the driving of certain persons to vehicles equipped with ignition interlock devices. Persons who may be subject to the restriction include those convicted of, or given deferred prosecution for, alcohol related driving offenses. Any court-ordered installation of a device must be for at least six months.

The Commission on Equipment is required to establish standards for the certification, installation, repair and removal of interlock devices.

The Department of Licensing is to attach or imprint a notation on the drivers license of a person placed under such a restriction by a court.

It is a gross misdemeanor to assist a person who is required to use an ignition interlock device to start and operate a motor vehicle. The criminal penalty does not apply if the motor vehicle is started for safety reasons or mechanical repair.

Votes on Final Passage:

House	95	0	
Senate	49	0	(Senate amended)
House	91	1	(House concurred)

Effective: July 26, 1987

SHB 665

C 177 L 87

By Committee on Human Services (originally sponsored by Representatives Grimm, Locke, B. Williams, Dellwo, Brekke, Appelwick, Ebersole, Heavey, Niemi, Lewis, Pruitt, Leonard, Wang, H. Sommers, Winsley, Scott and Todd)

Establishing a pilot supplemental security income referral program.

House Committee on Human Services
House Committee on Ways & Means
Senate Committee on Human Services & Corrections

Background: With increasing General Assistance caseloads and decreasing state funding, the Department of Social and Health Services and outside groups have examined alternatives to the procedures followed in the current General Assistance Program. Increasing the successful referral rate to the federal Supplemental Security Income (SSI) Program may assist in alleviating the cost of the state General Assistance Program.

Pilot programs in other states such as Massachusetts, using a contracted program coordinator, have proven highly successful in reducing General Assistance costs. In Massachusetts, some $5,500,000 in net savings was generated in three years, 1983–85.

Summary: A pilot Supplemental Security Income (SSI) referral program is established July 1, 1987, in three sites. Each pilot Community Service Office in the Department of Social and Health Services (DSHS) must have an SSI program facilitator. The facilitator's responsibilities include informing all General Assistance applicants and recipients of the federal program, assisting them in gathering necessary medical information, referring denied persons to legal representatives to facilitate the appeal process and educating physicians and other medical professions about SSI.

The position of DSHS–contracted program coordinator is established. The coordinator has the following duties: (1) establishing a qualified referral panel of legal practitioners available to General Assistance applicants and recipients; (2) monitoring and evaluating the referral program in each community service office; (3) providing training for involved professionals; and (4) reporting to the department by November 1, 1988, on the administration of the program and any suggested recommendations.

The department will report to the legislature by December 1, 1988, on the program outcome. Employees of the department and the program coordinator are held harmless for negligent referrals.

Votes on Final Passage:

House	97	0
Senate	45	0

Effective: July 1, 1987

SHB 669

C 182 L 87

By Committee on Local Government (originally sponsored by Representatives Zellinsky, Schmidt, Walk, Hargrove, C. Smith, Jacobsen, Fisch, Kremen, Fisher, Vekich, Hine, Gallagher, Scott, Haugen, Nutley, Beck, Bumgarner, Nealey, Ferguson, Hankins, Day, Dellwo, Meyers, S. Wilson, Basich, Patrick, Jesernig, P. King, May, Grant, Winsley and Betrozoff)

Authorizing law enforcement agencies to donate unclaimed bicycles, tricycles and toys to nonprofit charitable organizations.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Whenever unclaimed personal property that is not held as evidence, other than abandoned motor vehicles, is in the possession of a sheriff's office or city police office for a period of 60 days, the property may be disposed of as follows: (1) sell it at a public auction; (2) retain it for use by the sheriff's office or police office; (3) destroy it under certain circumstances; or (4) use it for purposes of trade to bona fide dealers when acquiring law enforcement equipment.

Summary: City police authorities and the county sheriff are authorized to donate unclaimed bicycles, tricycles and toys to nonprofit charitable organizations for use by needy persons.

Votes on Final Passage:

House	95	0
Senate	45	0

Effective: July 26, 1987

HB 671

C 134 L 87

By Representatives Madsen, Winsley and Fisch

Revising provisions on the placement of new construction on the assessment rolls.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: County assessors are required to assess the value of real property within the county for property tax purposes. The assessed value should be 100 percent of the true and fair value of the property, but reassessment need only occur once every four years.

When a mobile home first becomes subject to assessment for property taxes, i.e. when it is sold by a dealer, the county assessor may place the mobile home on the property tax assessment rolls by May 31 of each year at the value as of April 30 of that year.

When new construction occurs, the county assessor may place the new construction on the property tax assessment rolls by August 31 of each year at the value as of July 31 of that year.

Whenever a building permit is issued within the county, the issuer is required to notify the county assessor about the permit. The county assessor is required to make a physical appraisal of the building covered by the building permit within six months of when the permit is issued.

Summary: The county assessor will have up to twelve months, instead of up to six months, to physically appraise new construction work.

The dates for placing mobile homes on the property tax rolls are made consistent with the dates for placing new construction on the property tax rolls, thus the county assessor may place mobile homes that become subject to property taxes on the property tax rolls by August 31 of each year at the value as of July 31 of that year.

Votes on Final Passage:

House	95	0
Senate	48	0

Effective: April 21, 1987

SHB 677

C 316 L 87

By Committee on Commerce & Labor (originally sponsored by Representatives Patrick, Wang and R. King; by request of Department of Labor and Industries)

Changing requirements relating to industrial insurance administration.

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

Background: Since 1985, the Department of Labor and Industries has been required to pay interest on payments to medical providers if payment is delayed beyond 60 days. This requirement does not explicitly apply to self-insured employers.

Any award, decision or order of the Department of Labor and Industries may be appealed to the Board of Industrial Insurance Appeals within 60 days from the day the order was communicated to the parties. The department may modify, reverse or change the order within the 60-day period or within 30 days after an appeal is filed. The department may also reassume jurisdiction and hold the order in abeyance for 90 days. If the department takes any action on the appeal, the board is directed to deny the appeal, without prejudice to the right of the party to appeal from any subsequent order of the department. The department is not provided in law with similar reassumption jurisdiction over notices of assessment issued to employers who have defaulted on payments to the department.

Under industrial insurance law, the director of the Department of Labor and Industries is authorized to issue subpoenas in connection with a department investigation of claims, billings or collection of premiums.

In September of 1983, the Washington State Supreme Court ruled that the partial exclusion of agricultural labor from the state's workers' compensation law was unconstitutional. Under that provision, workers employed in agricultural labor who were not regularly and continuously employed by any one employer and who did not earn more than $150 from any one employer were not covered by industrial insurance. The provision remains in law but is without legal effect.

The industrial insurance law also excludes corporate officers from the mandatory coverage provisions. The provision allows corporations to elect coverage for officers who are also employees.

Summary: Employers certified as self-insurers under the industrial insurance law are required to make payments to medical providers within 60 days of receipt of a proper billing or within 60 days after the claim is allowed. Interest of 1 percent per month will be required on any late payment.

If an employer defaults in any payment due to the Department of Labor and Industries and the employer files an appeal of the notice of assessment for the amount due, the department may, within 30 days of the notice of appeal, modify, reverse or change the notice of assessment. The department may also hold the notice in abeyance pending further investigation. If the department takes any action on the notice, the Board of Industrial Insurance Appeals is directed to deny the appeal, without prejudice to the employer's right to appeal from any subsequent notice of assessment issued by the department.

The authority to issue subpoenas during department investigations is granted to the director of the Department of Labor and Industries and to his or her authorized assistants.

The exemption of certain farmworkers from mandatory industrial insurance coverage is decodified. Technical changes are made to clarify the exclusion of corporate officers from industrial insurance coverage.

Votes on Final Passage:

House	95	0
Senate	43	0

Effective: July 26, 1987

HB 678

C 24 L 87

By Representatives Pruitt, D. Sommers and Wang; by request of Department of Labor and Industries

Revising provisions relating to the right-to-know advisory council.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

Background: The worker right-to-know legislation that was enacted by the 1985 legislature included provisions for a right-to-know advisory council. The purpose of the council is to provide the Department of Labor and Industries with advice on implementation of the worker right-to-know program. The council consists of 16 members who are appointed by the director of the department. Membership includes representatives recommended by labor unions, agriculture, migrant labor, environmental organizations, public interest groups, chemical industries, community organizations, petroleum industries, fire fighters, business and trade organizations, small business, public health organizations, professional accident and safety organizations, technology based industries and academic organizations.

The council is directed to meet regularly and to appoint a chair.

Summary: The director of the Department of Labor and Industries or the director's designee will serve as the nonvoting ex-officio chair of the right-to-know advisory council. The council must meet at least semiannually at the call of the chair.

Votes on Final Passage:

House	92	1
Senate	49	0

Effective: July 26, 1987

2SHB 684

PARTIAL VETO

C 456 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Cooper, Holm, Patrick, Valle, Ballard, Crane, Lewis, Zellinsky, Schmidt, Haugen, Hargrove, Heavey, Bristow, Winsley, Todd, Allen, Rasmussen, Kremen, Baugher, Beck, Sanders, P. King, Moyer, Amondson, Brough, Fuhrman, L. Smith, Betrozoff and Rayburn)

Revising provisions relating to criminal sentencing.

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

Background: The Sentencing Reform Act (SRA) generally provides for presumptive and determinate sentences for convicted felons. That is, sentences imposed by judges are to fall within statutorily established ranges, and are to run for a definite period of time known to the defendant at the time of sentencing. The presumptive sentence for a particular conviction is determined by the ranking of the crime as to its seriousness and by the criminal history of the defendant.

An exceptional sentence outside the presumptive ranges is authorized if mitigating or aggravating circumstances exist and written justification for the exceptional sentence is given by the judge. Sentences (except for orders of restitution) cannot, however, exceed the statutory maximum for the crime even in an exceptional sentence. The maximum sentence is five years for a class C felony, ten years for a class B felony and life for a class A felony.

Various statutory rules in the SRA determine how much a particular prior conviction counts for purposes of criminal history. If the current offense for which an offender is being sentenced is escape, only prior convictions for escape count as criminal history. Only certain serious traffic offenses count for purposes of criminal history. Those offenses are vehicular assault or homicide, and felony hit and run. Other-state and federal convictions count as criminal history under the SRA only when they are violent offenses.

Alternatives to imprisonment, such as community supervision or partial confinement, are available as part of an exceptional sentence and also for first time non-violent offenders. "Violent offenses" include all class A felonies and certain other felonies.

Multiple sentences for multiple current convictions under the SRA are generally served concurrently. Also, if the crimes for which an offender is being sentenced are found to "encompass the same criminal conduct," then the crimes are treated as one for purposes of establishing criminal history.

Several years ago, the legislature decriminalized many traffic offenses. These offenses are now "infractions" rather than crimes. Violators are subject to monetary penalties, but not imprisonment.

Summary: A variety of changes are made to the Sentencing Reform Act (SRA).

Eluding a police officer is added to the list of "serious traffic offenses." All prior criminal convictions, not just prior escape convictions, count in sentencing for a current escape conviction. Only prior escapes or failures to return count in a current sentencing for failure to return from furlough or work release.

Judges are authorized to impose restrictions on an offender's contact with other persons for up to the maximum sentence for the crime of conviction.

Judges are authorized to order school or work release as a part of a sentence of partial confinement. The sentence may include a requirement to comply with the rules of the school or work release facility. A

violation of the rules may result in immediate transfer to total confinement without court order.

All other-state or federal convictions for felonies count as criminal history under the SRA.

A statutory definition of "same criminal conduct" is provided. The conduct must involve two or more crimes against the same victim; must entail the same criminal intent; and must occur at the same time and place.

A task force on civil infractions is established and directed to report to the legislature on misdemeanors and gross misdemeanors that might be decriminalized. The report is due June 30, 1989. A mechanism for enforcement of civil infractions is established and several offenses are decriminalized.

Votes on Final Passage:

House	97	0	
Senate	46	1	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	46	2	
House	97	0	

Effective: July 26, 1987
January 1, 1987 (Sections 9 – 31)

Partial Veto Summary: The partial veto clarifies the counting of criminal history when an offender is being sentenced for more than one crime. (See VETO MESSAGE)

SHB 695

C 301 L 87

By Committee on Ways & Means/Revenue (originally sponsored by Representatives Hine, Bristow, Barnes, Unsoeld, Sayan, Todd, Allen, Madsen, J. Williams, Sanders, C. Smith, Baugher, Kremen, May, Brough, Rasmussen, Betrozoff and Rayburn)

Changing provisions relating to property tax exemptions for seniors and disabled persons.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: Qualifying senior citizens and disabled persons are entitled to a property tax exemption for various parts of regular and special levies.

General qualifications are: 1) 61 years of age or older on January 1 of the year in which the exemption claim is filed; or 2) retired from regular employment by reason of physical disability, provided that a surviving spouse of a person qualified at time of death if the spouse is at least 57 years old and is otherwise qualified; 3) exemptions apply to the "principal" residence provided that any person who sells, transfers, or is displaced from a residence may transfer the exemption to another residence but the exemption applies to only one residence at a time; and 4) the person claiming the exemption must have owned the residence. Marital community or ownership by cotenants is deemed a life estate.

The income test is based on "combined disposable income" of a household which includes adjusted gross income plus capital gains, deductions for loss, depreciation, pensions and annuities, military pay, veterans benefits, social security and railroad retirement, dividends and state and municipal bond income.

Exemptions are: 1) a household with combined disposable income of $15,000 or less is exempt from all excess levies; 2) a household with combined disposable income of $12,000 or less but greater than $9,000 is exempt from all regular levies on the greater of $20,000 in value or 30 percent of the total value of the residence not to exceed $40,000; and 3) a household with combined disposable income of $9,000 or less is exempt from all regular levies on the greater of $25,000 in value or 50 percent of total value.

Summary: The income and assessed valuation thresholds for senior citizen property tax exemptions are increased for taxes due in 1989.

The $15,000 income threshold for exemption from excess property tax levies is increased to $18,000.

The $12,000 income threshold is changed to $14,000 and the $9,000 income threshold is changed to $12,000. Persons qualifying with these income thresholds are exempt from regular property tax levies on $24,000 of assessed valuation or 30 percent of the total value not to exceed $40,000.

The households qualifying with income under the $12,000 threshold will be exempt from regular property tax levies on $28,000 of assessed valuation or 50 percent of total value.

Votes on Final Passage:

House	96	1	
Senate	41	0	(Senate amended)
House	93	1	(House concurred)

Effective: July 26, 1987

SHB 697

C 158 L 87

By Committee on Health Care (originally sponsored by Representatives Cantwell, Brooks, Braddock, Sprenkle, Lux, P. King and Doty; by request of Department of Social and Health Services)

Revising provisions on long-term care ombudsmen.

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

Background: In 1983, the legislature established a long-term care ombudsman program within the Department of Social and Health Services. The purpose of the ombudsman program is to assist residents of long-term care facilities in asserting their rights and to investigate and resolve complaints. The ombudsman position is classified under the state Civil Service Law.

In 1986, the department appointed a task force to study and make recommendations on the ombudsman program. The task force recommended that the Legislative Budget Committee conduct a study on the appropriateness of placing the ombudsman's office within the department. Other recommendations included exempting the ombudsman from the state Civil Service Law and authorizing citizen volunteers to engage in fact-finding activities.

Summary: The Legislative Budget Committee is directed to study the effectiveness of the long-term care ombudsman program. The study must include an analysis of the appropriate placement of the office, whether within the Department of Social and Health Services or in association with other state agencies or as an independent agency. The study must also address the appropriateness of exempting the ombudsman position from civil service law. The report is due by December 1, 1987.

Volunteer ombudsman activities are restricted to identifying and resolving problems in long-term care facilities and engaging in fact-finding to determine if formal complaints should be made. Volunteers may not be used for actual complaint investigations.

Votes on Final Passage:

House	95	0
Senate	49	0

Effective: April 22, 1987

HB 698

C 355 L 87

By Representatives Nutley, Ferguson, Madsen and S. Wilson

Authorizing collection by county treasurers of various local government taxes, assessments and charges.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: County treasurers collect property taxes imposed by all taxing districts as they are listed on tax rolls prepared by county assessors.

County treasurers act as the ex-officio treasurer of most special districts located within the county's boundaries.

Various special assessments are required to be listed on the tax rolls and collected with property taxes, including special assessments for weed control purposes and mosquito control purposes. County treasurers collect television improvement district excise taxes on televisions, but it is not specified whether or not these taxes can be listed and collected with property taxes.

Various local governments are authorized to impose and collect excise taxes, special assessments and rates and charges.

Summary: Local governments authorized to impose and collect any special assessments, excise taxes or rates or charges may contract with the county treasurer to collect these special assessments, excise taxes or rates or charges. Notice of these assessments, taxes or rates or charges may be included with notice of property taxes due or may be sent separate from property tax notices. The county treasurer may impose annual fees for such collections, not to exceed 1 percent of the value of the collections.

Votes on Final Passage:

House	94	0	
Senate	48	0	(Senate amended)
House			(House refused to concur)
Senate	44	0	(Senate receded)

Effective: July 26, 1987

HB 699

C 129 L 87

By Representatives Brooks, Sprenkle, Moyer, Niemi, Meyers, Hine, Jesernig, P. King and May

Providing limited licenses to practice medicine to visiting teachers, researchers, or fellowship holders.

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

Background: Visiting teaching physicians and medical fellows at the University of Washington Medical School are not authorized to provide patient care unless licensed in Washington state. Frequently, patient care is integrally involved in medical teaching.

Summary: The Board of Medical Examiners is authorized to allow non-licensed teaching physicians and medical fellows to practice up to one year with a two-year renewal, upon the following conditions: (1) the physician is nominated by the medical school dean or a chief executive officer of a teaching facility such as University Hospital; (2) he or she is a graduate of a recognized medical school and licensed elsewhere; and (3) the practice is limited to the area of instruction.

Votes on Final Passage:

House	94	0	
Senate	43	0	

Effective: July 26, 1987

HB 701

C 273 L 87

By Representatives Patrick, Gallagher, Brough, Baugher, Schmidt, S. Wilson, Fisch, Dellwo and Walk

Requiring survival kits on aircraft.

House Committee on Transportation
Senate Committee on Transportation

Background: Aircraft used to carry persons or property for compensation are required to be equipped with a downed aircraft rescue transmitter. Aircraft which are rented or leased without a pilot are exempt from this requirement. Aircraft are not required to be equipped with survival kits.

Summary: Aircraft carrying persons for compensation, and rental or lease aircraft, including flight school aircraft used for solo flights by students, are required to be equipped with a fully functional downed aircraft transmitter and survival kit. The survival kit must contain emergency shelter, a firestarter, mirror and survival instructions. The Department of Transportation shall more fully prescribe the contents of survival kits.

Exempted from these requirements are certificated air carriers, U.S. governmental aircraft and aircraft manufacturers' aircraft.

Votes on Final Passage:

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

Effective: July 26, 1987

SHB 706

C 167 L 87

By Committee on Ways & Means (originally sponsored by Representatives Sayan, Vekich, Ballard, Grimm, Locke, Meyers, Heavey, R. King, O'Brien, P. King, Baugher, Rasmussen, Unsoeld and Todd; by request of Employment Security Department)

Modifying youth employment and conservation provisions.

House Committee on Trade & Economic Development
House Committee on Ways & Means/Appropriations
Senate Committee on Commerce & Labor and Committee on Parks & Ecology

Background: The Washington Youth Employment Exchange was created by the legislature in 1983. It operates a community service job training program for young people aged 18 to 25 years old, which is currently known as the Washington Service Corps. The exchange coordinates youth service activities of the Employment Security Department. The exchange also provides coordination and administrative support for the Washington Conservation Corps program, which consists of natural resource-based community service job programs in six state agencies.

The legislature set spending ceilings and direction for the program in 1985. Program administrative costs are limited to 15 percent of total program costs and total program costs are restricted to no more than $7,000 per six-month slot. A minimum of 60 percent of enrollee funds must be expended in distressed areas.

Summary: The Washington Youth Employment Exchange is reauthorized in the Department of Employment Security and is renamed the Washington Service Corps. The Washington Service Corps program is extended to July 1, 1993. The commissioner of the Employment Security Department is permitted to establish a program of educational incentives to encourage enrollees to complete the program. The commissioner is authorized to enter into agreements to provide enrollees education in basic skills with the state community college system, with other educational institutions and with non-profit agencies. Participation in such programs is not mandatory. The

Washington Service Corps is retained as the sole state agency recipient of federal funds for youth employment and conservation corps programs.

Votes on Final Passage:

House	97	0
Senate	45	0

Effective: June 30, 1987

HB 707

C 367 L 87

By Representatives Sayan, Vekich, Ballard, Grimm, Locke, Meyers, Basich, Hargrove, Heavey, Jacobsen, Fisch, O'Brien, P. King, Baugher, Rasmussen, Unsoeld and Todd; by request of Employment Security Department

Increasing the goals and duties of the Washington conservation corps.

House Committee on Trade & Economic Development

Senate Committee on Parks & Ecology

Background: The Washington Conservation Corps program was created by the legislature in 1983. The program was designed to: provide work experience and training for young people, 18 to 25 years old; work on the conservation, rehabilitation and enhancement of the state's natural, historic and recreational resources; teach both basic employment skills and the workings of natural systems to program participants; and provide needed public services.

The conservation corps was established in six delivery agencies. They include the Employment Security Department, the Department of Ecology, the Department of Game, the Department of Natural Resources, the Department of Fisheries, the Department of Agriculture and the State Parks and Recreation Commission. Coordination and administrative support was provided by the Youth Employment Exchange in the Employment Security Department. The exchange developed guidelines for work performance standards for the entire program, and was designated the sole recipient of federal funds for youth employment and conservation corps programs.

The legislature passed legislation to provide further direction to the program in 1985. The Employment Security Department was designated to select and approve conservation corps projects, with the assistance of the Conservation Corps Coordinating Council, composed of representatives of all the participating agencies. Total administrative costs for the program were limited to 15 percent of total program costs and costs per enrollee were limited to an average cost of $7,000. A minimum of 60 percent of enrollee funds were to be used in distressed areas or to serve youth from distressed areas. The Department of Employment Security was directed to evaluate projects on the basis of cost, public benefit, coordination, the opportunity for placement and the degree of public and private support. Training plans were to be developed for each enrollee.

Summary: The Washington Conservation Corps program is reauthorized. It is extended through July 1, 1995. Priorities for program activities relative to conservation, rehabilitation and resource enhancement are established. Emphasis is given to projects which address: timber, fish and wildlife management plans; watershed management plans; the 1989 centennial celebration; Puget Sound water quality; the U.S.–Canada fisheries treaty; recreational trails; and recreational facilities.

The Conservation Corps Coordinating Council, consisting of representatives of the six agencies participating in the conservation corps program, is designated to select, review, approve and evaluate the success of projects under the program, rather than recommending work projects to the Department of Employment Security. It supplants the Department of Employment Security in this role.

Up to 15 percent of funds spent for recruitment, job training and placement services are directed to be contracted whenever possible through local education institutions or non–profit corporations. Contracts may include general education development, testing, preparation of resumes and job search skills.

Votes on Final Passage:

House	95	0	
Senate	48	1	(Senate amended)
House			(House insisted)
Free Conference Committee			
Senate	43	1	
House	97	0	

Effective: May 14, 1987

HB 713

C 421 L 87

By Representatives Winsley, Lux, Zellinsky and Chandler

Revising provisions on debt–related securities.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

Background: Debenture companies are defined by law as those entities which issue securities to be used as capital of the issuer for the purpose of investing, holding or trading in mortgages, property contracts or security agreements. The director of the Department of Licensing through the Securities Division is responsible for regulation of debenture companies. The debenture company sells its securities to investors with the expectation that the debt obligations it purchases will provide sufficient income to pay the securities it has issued. Debenture companies are required to maintain a specified level of paid–in capital based on the level of outstanding securities of the company. At least 50 percent of the securities issued by a debenture company must have a maturity of two or more years. The directors and officers of the debenture company are prohibited from certain types of conflicts of interest in operating the company.

The Securities Act generally applies to any note, stock, evidence of indebtedness or similar type of obligation. The Securities Act exempts certain transactions involving covered securities from compliance with the act's provisions. Among the exempt transactions is one involving a bond or other evidence of indebtedness secured by a mortgage, deed of trust or real property contract if the entire mortgage, deed of trust or contract is offered and sold as a unit.

Summary: The definition of debenture company is modified. Provisions relating to conflicts of interest are modified to include controlling persons as well as officers and directors. New requirements are added governing the acquisition of debenture companies. An acquiring party must file a notice of application with the director of the Department of Licensing. The director may halt the acquisition if there is reason to believe the debenture company will be harmed. The director may require the company to stop engaging in unsafe or unsound practices.

The transaction exemption from the Securities Act for single mortgages and real estate contracts is modified to exclude from the exemption partial interests in more than one mortgage and multiple obligations sold as part of a single plan of financing.

Votes on Final Passage:

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

Conference Committee

Senate	44	1
House	96	0

Effective: July 26, 1987
January 1, 1987 (Sections 1 – 8)

SHB 732

C 165 L 87

By Committee on State Government (originally sponsored by Representatives H. Sommers, B. Williams and Belcher; by request of Office of State Auditor)

Revising provisions of the audit services revolving fund.

House Committee on State Government
Senate Committee on Governmental Operations

Background: A 1965 statute requires post–audits of state agencies performed by the state auditor to be paid for from the General Fund. In 1981, the legislature centralized the funding of audits performed by the state auditor in an Auditing Services Revolving Fund. The conflicting 1965 statute was never repealed.

The state treasurer is directed to transfer funds on a quarterly basis to the Auditing Services Revolving Fund.

The state treasurer is required to adjust audit billing rates to reflect audit costs incurred during the previous six–month (or less) period.

Summary: A conflicting provision of state law requiring the use of General Fund appropriations to pay for post–audits of state agencies performed by the state auditor is repealed.

The interval at which the state treasurer must transfer funds to the Audit Services Revolving Fund is changed from quarterly to monthly. The time period of audit costs on which the state auditor's billing rate is based is expanded from the previous six–month (or less) period to the previous and present biennia. The following are specified as expenses of auditing public accounts: expenses related to training; maintenance of working capital including reserves for late and uncollectible accounts; and necessary billing adjustments.

Votes on Final Passage:

House	97	0
Senate	41	0

Effective: July 26, 1987

SHB 734

C 396 L 87

By Committee on Judiciary (originally sponsored by Representatives Scott, Patrick, P. King, Schmidt, R. King, Brough, Crane, Kremen, Moyer, Doty, May, Padden, L. Smith and Todd)

Revising provisions regulating minor access to erotic materials.

House Committee on Judiciary
Senate Committee on Judiciary

Background: Minors may be denied access to erotic material which has no redeeming social value, is patently offensive and appeals to the prurient interest of minors. By state law, erotic material includes motion pictures and printed, photographic or other material. The prosecuting attorney may apply to superior court for a determination of whether material is erotic. If the court determines that it is erotic, then the written or printed publication must be labeled as adult only material. A motion picture determined to be erotic may be shown only in a place where prominent signs are displayed stating that the show is adult only.

A person who sells, distributes or exhibits erotic material to a minor is guilty of a misdemeanor for the first conviction, a gross misdemeanor for the second, and a class C felony for a third or subsequent offense.

Summary: A new procedure is established for limiting minor access to live performances which are erotic. Erotic material is defined to include live performances which contain sexually explicit conduct, have no redeeming value for minors and appeal to prurient interest of minors. It is a gross misdemeanor for a person knowingly to allow a minor on the premises of a commercial establishment where there is a live performance containing erotic material.

Votes on Final Passage:

House	96	1	
Senate	49	0	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	48	0	
House	97	0	

Effective: July 26, 1987

SHB 738

C 462 L 87

By Committee on State Government (originally sponsored by Representatives H. Sommers, Hankins, Peery, Miller, B. Williams, Braddock, Bristow, Jesernig and Winsley)

Transferring functions of corrections standards board to other state agencies.

House Committee on State Government
Senate Committee on Human Services & Corrections

Background: The Corrections Standards Board was established in 1981 as a board within the Washington State Jail Commission. In 1983, the commission ceased to exist and the board assumed the functions of the commission.

The board is composed of nine voting members appointed by the governor and five nonvoting members representing the legislature and the Department of Corrections (DOC).

The board is responsible for: (1) setting standards and distributing state funds for jail construction; (2) setting standards for prison operation; (3) monitoring compliance with prison standards; (4) setting standards for jail operation; (5) enforcing jail standards; and (6) gathering data on sentenced felons in jails and jail populations generally.

The board will cease to exist on July 1, 1987. A review was conducted by the Legislative Budget Committee and the following recommendations were made: 1) the board be terminated on January 1, 1988; 2) the jail construction funding program be transferred to the Department of Community Development or the Office of Financial Management; 3) jail population data collection be transferred to DOC; 4) juvenile confinement compliance be transferred to the Department of Social and Health Services (DSHS); and 5) DOC and DSHS adopt mandatory standards for the operation of adult and juvenile detention facilities under their control, and for local adult and juvenile facilities.

The board is assigned 10 full-time equivalent positions for all functions performed during 1987.

Summary: The Corrections Standards Board terminates on January 1, 1988.

The following functions are transferred or eliminated: 1) the juvenile confinement compliance function is transferred to the Department of Social and Health Services; 2) the jail population data collection function is transferred to the Office of Financial Management (OFM); 3) the local jail construction funding program shall be completed by the OFM; 4) state mandated operating standards for local jails are eliminated; and

5) the Department of Corrections shall adopt, no later than July 1, 1987, standards for operating its prison facilities.

Votes on Final Passage:

House	70	25	
Senate	27	17	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	26	22	
House	84	8	

Effective: July 26, 1987
May 18, 1987 (Sections 16 – 21)
January 1, 1988 (Sections 1 – 11 and 16, 17, 22 and 23)

SHB 739

C 297 L 87

By Committee on Trade & Economic Development (originally sponsored by Representatives Vekich, Schoon, Wineberry and P. King; by request of Department of Community Development)

Providing for the allocation of the private activity bond ceiling.

House Committee on Trade & Economic Development
House Committee on Ways & Means/Appropriations
Senate Committee on Commerce & Labor

Background: The federal Tax Reform Act of 1986 reduced the annual state bond ceiling for tax–exempt private activity bonds by 50 percent. This reduction severely limits the volume of tax–exempt bonds that may be issued in Washington to finance industrial development, housing, student loans and public facilities with significant private participation.

The Tax Reform Act also increased the number of bond categories to be included under the reduced ceiling. Housing bonds issued by the state Housing Finance Commission are now included under the ceiling. Public facility bonds with private participation of less than 25 percent but greater than 10 percent are also added.

These provisions necessitate the development of a new state formula for allocating access to the available financing capacity under the state bond ceiling. Determinations must be made regarding the allocation of the state ceiling among categories of bonds, including: housing bonds, student loan bonds, exempt facility bonds, public utility bonds, and small issue industrial development bonds. An allocation process and an allocating agency to administer this process must also be designated.

Summary: Initial allocations of the state bond ceiling are established for 1987 through 1990 and thereafter for categories of bonds, including: housing bonds, student loan bonds, small issue bonds, exempt facility bonds, and public utility bonds. Initial bond allocations are expressed as percentages of the annual state ceiling. A 5 percent remainder is available for granting allocations for redevelopment bonds or any other bond category.

After September 1 of each year, unused allocations may be reassigned to other bond use categories. Prior to the end of the year, any unused portion of the ceiling will be granted to one or more issuers as a carryforward amount, which must be used within three years.

The Department of Community Development will administer the allocation system. Criteria are specified for bond allocation and reallocation. Issuers may not issue bonds under the state ceiling unless granted a certificate of approval from the department. Issuers may apply for an allocation up to 90 days before the beginning of the year. Any request which is denied will be retained for possible allocation later in the year. The department must submit an annual report to the legislature summarizing bond allocations and a biennial report detailing allocation usage and policy considerations. The department is directed to establish a fee schedule to support the administration of the bond ceiling allocation program.

The governor is given interim authority to allocate the ceiling in the event that changes occur in the federal law when the legislature is not in session. Any allocations made prior to the effective date of the act pursuant to an executive order will remain in effect.

Votes on Final Passage:

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

Effective: May 8, 1987

SHB 743

C 422 L 87

By Committee on Trade & Economic Development (originally sponsored by Representatives Cantwell, Vekich, Schoon, R. King, Scott, Holm and Sutherland; by request of Department of Trade and Economic Development)

Revising community economic revitalization board statutes.

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

Background: The Community Economic Revitalization Board program was established by the legislature in 1982. The program is designed to provide grants and loans to local jurisdictions for the financing of public facilities necessary for the completion of private job–creating development projects. The program offers incentives to prospective employers interested in locating in the state and to firms expanding existing facilities. The program is managed by a 22–member board, with staff support provided by the Department of Trade and Economic Development.

The program has been changed since its inception in regard to issues including: the size and composition of the board; the purposes and conditions for which grants and loans may be offered; and the responsibility for managing additional programs related to the board's economic development mission.

The provision of loans and grants to local governments by the board is funded by the issuance of state general obligation bonds. The board also manages a program, funded by state highway funds, that finances transportation projects which contribute to specific economic development projects. The board is responsible for the issuance of umbrella industrial revenue bond issues and for making recommendations regarding the allocation of industrial development bonds under the state's bond allocation process.

The program is designed to act as an economic development marketing tool, providing swift and reliable yes or no decisions to companies wishing to locate in the state, and to the local governments which must bear most of the ultimate costs of the improvements. At the same time, the program must be broadly accountable for the efficiency of specific financing decisions.

Summary: The Community Economic Revitalization Board is reauthorized. The board is composed of 15 members. The directors of five executive agencies shall serve as advisory members. There are four legislators from the House Trade and Economic Development Committee and the Senate Commerce and Labor Committee serving on the board. Legislators serving on the board are authorized to permit other members of the appropriate legislative committee to act as designees in their absence.

The board's Private Activity Bond Subcommittee is composed of six members, including a legislative member. The program is terminated June 30, 1994, with no new loans or grants authorized after June 30, 1993.

Votes on Final Passage:

House	96	1	
Senate	47	0	(Senate amended)
House			(House insisted)
Conference Committee			
Senate	46	0	
House	97	0	

Effective: May 18, 1987

SHB 746

C 183 L 87

By Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Zellinsky, Pruitt, Meyers, S. Wilson, Brough, Haugen, Heavey, Schoon, P. King and Betrozoff)

Establishing procedures for state purchase of passenger–only ferries.

House Committee on Transportation
Senate Committee on Transportation

Background: The Department of Transportation does not currently have the authority to purchase new passenger–only vessels that have already been designed and have a proven history of successful operation.

Summary: Procedures are created for acquisition of passenger–only ferries of a proven and operational design by the Department of Transportation. The procedures include:

1) The department must publish and mail a notice soliciting bids to construct one or more passenger–only ferries. The notice must include the number of ferries to be purchased (contract for one with an option to purchase the remainder), prequalification requirements and that complete plans and specifications of the vessel must be submitted along with evidence of successful operation of the vessel during the previous five years. The notice is to be mailed to all firms known to the department that have constructed and placed in operation vessels that meet or exceed the department's performance criteria.

2) The department must send a request for proposal to any firm desiring one. It must include the requirements for bidding, a copy of the contract to be signed by the winning bidder, the number of vessels to be contracted for, the maximum purchase price, the proposed delivery date and a statement that all bids are offers and are open for 90 days after the submittal

deadline unless formally withdrawn prior to award of the contract.

When a bid is submitted it must include a set of plans certified as complete by the department's marine architect, evidence of successful operation of the vessel within the last five years and evidence that the bidder is prequalified. The bid must be accompanied by a deposit equal to 5 percent of the proposed contract price.

3) The department shall then evaluate the bids for compliance with the requirements specified in the request for proposal and shall estimate the operation and maintenance costs of each vessel using criteria developed by the department.

4) The department shall award the contract to the firm presenting the most advantageous offer and rank the other bidders in order of preference. Losing bidders are to be notified immediately and an appeal may be taken to the Thurston County Superior Court. The appeal must be taken within five days after the firm received notification. The decision of the department will be affirmed unless the court finds the department acted in an arbitrary and capricious fashion.

The department, in developing a contract for the procurement of ferry vessels, may authorize the use of foreign-made materials and components in order to minimize costs, subject to the limitations of RCW 39.25.020.

If the winning bidder fails to enter into a contract with the department within 20 days of the award, the firm forfeits the 5 percent proposal deposit. When a contract is entered into, the deposits of the losing bidders are returned.

Votes on Final Passage:

House	96	0
Senate	47	0

Effective: July 26, 1987

HB 748

C 360 L 87

By Representatives Baugher, Day, D. Sommers, Doty, Dellwo, Hankins, Cooper and Betrozoff; by request of Urban Arterial Board

Changing apportionment provisions for funds in the urban arterial trust account.

House Committee on Transportation
Senate Committee on Transportation

Background: The current formula for apportionment of Urban Arterial Trust Account funds to specific regions of the state is based on three criteria: 1) population, 2) "state" highway vehicle miles, and 3) "state" highway needs as defined by the Washington State Department of Transportation Category A six-year program. "State" highway data has been used in the absence of credible city and county arterial needs information. However, the Urban Arterial Board (UAB) has now compiled reliable city and county arterial needs data.

At the beginning of each biennium, state statute requires the UAB to establish new apportionment factors to be used on all funds deposited into the Urban Arterial Trust Account during the biennium. When the legislature authorizes a new bond program, the UAB will obligate most of the amount at the beginning of the biennium. However, most projects begin construction between 24 and 36 months from the time of original approval. This means different apportionment factors may apply, thereby making the process of administration unmanageable.

Summary: The formula criteria for apportionment of the Urban Arterial Trust Fund is changed by replacing "state" highway needs (Category A) and "state" vehicle miles with city and county arterial needs and city and county vehicle miles.

Bond proceeds will be apportioned using the apportionment factors for the biennium in which the funds are obligated, rather than when construction is started.

Agencies submitting urban arterial projects which are approved for inclusion in the Urban Arterial Program budget and which are projected to cost more than $1 million are required to perform a value engineering study on the project. The UAB is granted authority to waive the requirement for projects over $1 million or to extend the requirement to projects estimated to cost less than $1 million.

Votes on Final Passage:

House	77	20	
Senate	48	0	(Senate amended)
House	94	2	(House concurred)

Effective: July 26, 1987

SHB 750

C 216 L 87

By Committee on Commerce & Labor (originally sponsored by Representatives Cole, Patrick and Fisher; by request of Department of Labor and Industries)

Changing provisions relating to farm contractors' security bonds.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

Background: Since January of 1986, farm labor contractors have been required to provide a $5,000 surety bond or other approved security to operate as a farm labor contractor. The director of the Department of Labor and Industries may bring suit against the bond to enforce claims made by workers. A civil cause of action is also authorized. During the 1986 legislative session, the liability of a farm labor contractor's bond was limited to wage claims. Any suit against the bond had to be brought independently after establishing adequate proof of liability.

Summary: The farm labor contractor's bond is made liable for sums legally owing under contract to any agricultural employees. The bond may not be cancelled during its term without 30 days notice to the Department of Labor and Industries.

Any person having a claim for wages may bring an action on the bond or security deposit. Claims against the farm labor contractor may be filed against the contractor and the bond or security deposit. The requirement that the contractor's liability be established in an independent action is deleted. The department may also bring suit upon the bond on behalf of any worker whose rights have been violated under the farm labor licensing provisions.

If a security deposit in lieu of a bond has been filed with the Department of Labor and Industries, a claimant may proceed against the deposit and is entitled to recover statutory damages.

Votes on Final Passage:

House	94	0
Senate	46	0

Effective: July 26, 1987

HB 753

C 224 L 87

By Representatives Locke, Padden, Armstrong and Scott; by request of Sentencing Guidelines Commission

Classifying criminal mistreatment for sentencing purposes.

House Committee on Judiciary
Senate Committee on Judiciary

Background: Most felonies are ranked by level of seriousness. The least serious felonies are ranked in level I; the most serious in level XIII. Sentencing is then based on the seriousness of the crime, plus the defendant's prior criminal history.

In 1986, the crime of criminal mistreatment was enacted. Criminal mistreatment is causing harm to a child or dependent person by acting recklessly or by recklessly withholding any of the basic necessities of life.

Criminal mistreatment in the first degree causes great bodily harm. Criminal mistreatment in the second degree occurs if the defendant recklessly creates the risk of great bodily harm or causes substantial bodily harm by recklessly withholding any of the basic necessities of life.

Criminal mistreatment in the first degree is a class B felony. Criminal mistreatment in the second degree is a class C felony. Criminal mistreatment is not ranked in the statutory table describing the seriousness of crimes used to determine sentences. The present sentence range for both a first and second degree criminal mistreatment conviction is one to twelve months, the sentence range for all unranked felonies.

Summary: Criminal mistreatment is added to the statutory table describing the level of seriousness of a crime. First degree criminal mistreatment is added to level V, with a sentence range of six to twelve months for a first-time offender. Second degree criminal mistreatment is added to level III, with a sentence range of one to three months for a first-time offender.

Votes on Final Passage:

House	94	0
Senate	46	0

Effective: July 1, 1987

SHB 755

C 312 L 87

By Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, Niemi and P. King; by request of Department of Corrections)

Revising provisions relating to community corrections.

House Committee on Health Care
House Committee on Ways & Means/Appropriations
Senate Committee on Human Services & Corrections

Background: The Department of Corrections has concluded that local and state corrections problems can be better solved through cooperation and "partnership" between state and local governments. There is no statutory framework to establish this relationship.

Summary: Counties are permitted to establish community corrections boards composed of nine members, with at least two from the private sector appointed by

the county authority and one appointed by the secretary of the Department of Corrections. The county sheriff and prosecutor are also members of the community corrections board.

Participating counties are required to develop a community correction plan. The department may, upon request, provide technical assistance in the development of the plan.

The department is permitted to contract with counties for community services. Such contracts must be part of the community correction plan.

The department is required to establish a state-wide base level of correctional services. Enhancement to the base must be submitted through the community corrections plan. Priority for enhancements will be given to services that reduce duplication.

Votes on Final Passage:

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

Effective: July 26, 1987

2SHB 758

PARTIAL VETO

C 506 L 87

By Committee on Ways & Means (originally sponsored by Representatives Sutherland, Belcher, McMullen and P. King; by request of Governor Gardner)

Establishing the department of wildlife.

House Committee on Natural Resources
House Committee on State Government
House Committee on Ways & Means
Senate Committee on Natural Resources and Committee on Ways & Means

Background: The Department of Game and the Game Commission were established by passage of Initiative 62 in 1932. By the same initiative, the Department of Fish and Game was abolished, and duties of the Fisheries Board were assumed by the director of the Department of Fisheries. The Game Commission assumed the responsibility for setting hunting and fishing seasons, limits and license fees from 39 county organizations.

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, by a margin of 7 to 1, overturned this legislation through a referendum that same year.

The Game Commission consists of six members, three from each side of the Cascades. Two are appointed in each odd-numbered year. Each member serves for six years. To qualify, members must have a knowledge of the habits and distributions of wildlife. The commission directs the management of the agency and establishes rules protecting animals. The members do not receive a salary, but may earn per diem of $100 per day when on official business.

The director serves at the pleasure of the commission and performs the duties prescribed by law and the commission. The director is responsible for the administration and operation of the department.

Summary: The name of the Game Department is changed to the Department of Wildlife and the Game Commission becomes the Wildlife Commission. The governor appoints the director of the Department of Wildlife after consulting with the commission regarding the skills, qualifications and experience necessary for the job and is advised by the commission in selecting a director. The commission continues to establish the time, place, manner and species of animals for which hunting or fishing is permitted.

The department and commission must prepare a series of reports. The first, due November 1, 1987, will contain comprehensive and detailed analyses and management plans pertaining to agency programs, license fees, organization, land management practices and landowner relations. The second, due October 1, 1988, will address the state's wildlife and wildlife recreation needs, innovative management methods and alternative methods of increasing agency revenues. In the third, due June 30, 1989, the commission must review and make recommendations regarding appropriate license fees and spending requirements. Additionally, the commission must prepare an annual report to the public and periodically review the department's basic goals and objectives with the governor and the legislature. By December 31, 1987, the governor must submit a spending plan for $4.5 million of the $8 million appropriation from the General Fund.

The director, acting under guidance of the commission, may regulate deleterious exotic wildlife, establish special hunts, acquire and dispose of real property, regulate hunting or fishing contests and license and regulate game farms. The director may reinstate hunting licenses revoked by agency rule or court order.

The income received by the state from the successful prosecution of people convicted of illegally taking wildlife increases from a maximum of $1,000 to $2,000. In addition, the court will award from 5 to 10

percent of the reimbursement value to the newly created state Wildlife Conservation Reward Fund. Money from the fund will be used by the director to reward people reporting violations of wildlife laws.

The commission may establish the Washington trophy hunt. The commission may permit organizations to auction a permit, issued by the department, to hunt a post mature male trophy–quality animal from herds in areas not normally open to public hunting. Proceeds from the auction will raise funds for the department and the sponsoring organization.

When the department prepares to lease the right to explore for oil or gas, the leases will be offered by the Department of Natural Resources. The Department of Wildlife will identify conditions on the leases to protect wildlife and wildlife habitat, and the Department of Natural Resources will incorporate the conditions into the lease. Proceeds from the leases will go to the Wildlife Fund.

The commission may establish times and places when fishing may be permitted without a license. This is to be known as Family Fishing Day.

No department official may retaliate against another department employee for the employee's support of or opposition to this act.

Eight million dollars from the General Fund is appropriated to the Department of Wildlife. A portion, $3.5 million, may be spent without any conditions imposed by the legislature. The balance, $4.5 million, will lapse if the legislature rejects the spending plan required to be submitted by December 31, 1987.

Votes on Final Passage:

House	65	31	
Senate	30	18	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	26	19	
House	74	23	

Effective: July 26, 1987

Partial Veto Summary: Language which would have funded the Wildlife Conservation Reward Fund by imposing a 5 to 10 percent surcharge on the penalty for poaching certain animals is vetoed. Language creating the Wildlife Reward Conservation Fund remains in the law.

The requirement that the department employ at least 85 field wildlife enforcement agents is also vetoed. (See VETO MESSAGE)

SHB 763

C 162 L 87

By Committee on Health Care (originally sponsored by Representative Niemi)

Establishing priorities for who may consent to health care for another.

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

Background: Physicians and other health care providers are required by law to obtain the informed consent of patients before rendering health care services. If informed consent cannot be obtained because of a patient's incompetency, the health provider may be subject to legal liability. Although a patient's representative is permitted by law to give informed consent on behalf of the incompetent patient, there are no procedures specified for obtaining this consent.

Summary: Procedures are established for obtaining informed consent for health care from a person authorized to represent an incompetent patient. Incompetency includes mental illness, developmental disability, senility, habitual drunkeness, excessive use of drugs or other mental incapacity. Representatives are authorized to give consent in the following order of priority: a court appointed guardian; a person designated under a durable power of attorney; the patient's spouse; the patient's children, if unanimous; the patient's parents, if unanimous; or adult brothers and sisters, if unanimous. The physician must make reasonable efforts to locate the authorized persons to give consent for health care. The patient's representative, before giving consent on behalf of the patient, must determine in good faith that the patient would have consented to the proposed health care. If this determination cannot be made, the authorized person may consent only if the proposed health care is determined to be in the patient's best interests.

Votes on Final Passage:

House	96	0
Senate	48	0

Effective: July 26, 1987

SHB 767

PARTIAL VETO

C 415 L 87

By Committee on Health Care (originally sponsored by Representatives Niemi and P. King)

Regulating respiratory care practitioners.

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

Background: The practice of respiratory care is not regulated by the state of Washington. Respiratory care is the treatment, management, diagnostic testing, rehabilitation and care, under direct medical supervision, of patients with deficiencies and abnormalities affecting the cardiopulmonary system.

Summary: To adopt or use any title or description of "respiratory care practitioner," a person must be certified by the Department of Licensing. No entity or person, except rural hospitals, may employ a person practicing respiratory care unless the practitioner is certified. Exemptions from the certification requirements are provided for practitioners licensed under other laws, United States government employees, students enrolled in an approved education program and nurses using the title "respiratory care practitioner." Qualifications for certification include graduation from an approved school or completion of alternative training; passage of an examination; and completion of any experience requirement established by the director of the Department of Licensing. Respiratory care practitioners must practice under the direct orders of a licensed physician.

The director is authorized to adopt rules, set fees, establish forms, issue and renew certificates, hire staff, approve schools and training programs, administer examinations and act as the disciplinary authority under the Uniform Disciplinary Act.

A five-member advisory committee, appointed by the director, is established. The committee will include three certified respiratory care practitioners, one licensed physician and one person, unaffiliated with the profession, representing the public. Committee members, the director and departmental staff are not liable in any civil action based on performance of their official acts.

Persons may be certified without state examination if the director determines that the applicant meets commonly accepted standards of education and experience for the profession and has passed an approved examination.

Certified respiratory care practitioners are subject to the procedures and unprofessional conduct provisions of the Uniform Disciplinary Act for the health professions.

Votes on Final Passage:

House	97	0	
Senate	33	13	(Senate amended)
House	97	0	(House concurred)

Effective: July 26, 1987
September 15, 1987 (Section 4)

Partial Veto Summary: The vetoed section would have prohibited the employment of uncertified respiratory care practitioners. (See VETO MESSAGE)

HB 770

C 232 L 87

By Representatives Ebersole, Betrozoff, Pruitt, Walker, Valle, Rasmussen, Belcher, Schmidt, Rust, Unsoeld, Holland, Patrick, P. King, Winsley, Schoon, Holm, Todd and Spanel

Changing common school curriculum requirements to include science with an emphasis on the environment.

House Committee on Education
Senate Committee on Education

Background: In 1985, the legislature directed the Superintendent of Public Instruction to appoint a task force to assess the needs and status of environmental education and to define environmental literacy. The task force determined that an environmentally literate person should understand: 1) the components of the environment and their interactions; 2) the value of the environment to our physical, economic and emotional well-being; and 3) how personal choice affects the environment. To assist in creating an environmental literacy program, a one-year coordinating committee on environmental education was established by the legislature in 1986. The committee included representatives from the natural resource agencies, educators, environmental groups and the natural resource industry. The committee functioned under the Office of the Superintendent of Public Instruction. It was directed to encourage cooperation and development of recommendations to improve environmental education. In its report to the legislature, the committee recommended that science with an emphasis on the environment be added to the basic curriculum of the schools.

Summary: Science with a special emphasis on the environment must be included in the basic curriculum offered in the common schools.

Votes on Final Passage:

House	87	11
Senate	43	3

Effective: July 26, 1987

HB 772

PARTIAL VETO

C 319 L 87

By Representatives Madsen and Fisch

Revising property tax provisions.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: An interest rate of 5 percent per annum is applied to property tax refunds. The interest rate applies from the date the taxes were collected or from the date of a claim for a refund, whichever is later.

Cities are authorized to levy 22.5 cents per $1,000 of assessed value for purposes of funding firemen's pension programs. If a city chooses this funding, the general city levy is limited to $3.375 per $1,000 of assessed value for a total of $3.60 per $1,000 of assessed value. If an actuarial study determines there are sufficient funds to meet future pension obligations, the city may levy the full $3.60 per $1,000 of assessed valuation for general purposes.

Revaluations of property are required at least once every six years. The process of conducting revaluations by county assessors is specified in law.

Real and personal property that is destroyed in whole or in part in an area that has been declared a disaster by the governor is not eligible for reductions in value for taxing purposes.

County assessors are charged with the responsibility of keeping a list of the number of television sets in the television improvement district for billing a benefit assessment charge.

Summary: Interest owing on property tax refunds is changed from 5 percent to the equivalent coupon issue yield as published by the Federal Reserve Bank of San Francisco, measured by the 26–week average treasury bill rate.

Cities that have annexed to library districts or fire protection districts may not levy the 22.5 cents for firemen's pensions if it causes the combined levies to exceed the $9.15 statutory maximum or the 1 percent constitutional limit.

The Department of Revenue is authorized to approve a two–year revaluation plan for any county.

New procedures are provided for the assessment of destroyed property in an area that has been declared a disaster area by the governor and reduced in value by more than 20 percent.

The county treasurer instead of the county assessor is designated as the repository for information determining the number of television sets to be included in a television improvement district.

Satellite dish antennas are eliminated from the information required by television improvement districts.

Votes on Final Passage:

House	97	0
Senate	45	2

Effective: July 26, 1987

Partial Veto Summary: Provisions exempting the owners of satellite dishes from the television improvement district levy are vetoed. (See VETO MESSAGE)

SHB 773

C 359 L 87

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Holm, Nealey, Haugen, Barnes, Holland, Dellwo, Jesernig, P. King, Winsley and Betrozoff)

Allowing county auditors to investigate and cancel invalid voter registration.

House Committee on Constitution, Elections & Ethics
Senate Committee on Judiciary

Background: The county auditor must cancel the voter registration of a person unless the person has voted at any primary or election within the past 24 months or at the most recent presidential election.

State law permits elections to be conducted by mail ballot under certain circumstances.

Summary: The county auditor must inquire into the validity of the registration of a voter if any of the following is returned by the postal service as undeliverable: a vote–by–mail ballot, a notification to the voter following reprecincting of the county, a notification of selection to serve on jury duty, or the initial voter identification card.

The auditor will initiate the inquiry by sending a written notice by first class mail to the challenged voter at the address indicated on the voter's permanent registration record. The notice must contain the nature of the inquiry, provide a suitable form for reply and contain a warning that the auditor must receive a response within 60 days of the mailing or the individual's voter registration will be cancelled. Upon receipt of the voter's response, the auditor will consider the inquiry satisfied and make any corrections requested by the voter on the registration record.

The auditor must cancel the registration of a voter who fails to respond to the notice of inquiry within the 60 day period and notify the voter by mail of the cancellation. If a voter responds no later than 45 days

after the mailing of the cancellation notice, the auditor will reinstate the voter.

If a person's voter registration has been cancelled under this procedure and the person, within a period of four years following the cancellation, applies for an absentee ballot or offers to vote at the polling place, the person will be permitted to vote a challenged ballot. If, in considering the challenged ballot, the canvassing board determines that the voter's registration was improperly cancelled, the ballot will be counted and the voter's registration reinstated.

Votes on Final Passage:

House	94	0	
Senate	46	3	(Senate amended)
House			(House refused)
Free Conference Committee			
Senate	44	0	
House	96	0	

Effective: July 26, 1987

SHB 776

C 375 L 87

By Committee on Education (originally sponsored by Representatives Cole, Holm, Taylor, Betrozoff, Ebersole, Brough, May, Amondson, Schoon, Silver and L. Smith)

Removing the requirement that hearing officers for school employee cases be attorneys.

House Committee on Education
Senate Committee on Education

Background: A school employee who receives notice of nonrenewal or other adverse change in employment contract status is entitled to request a hearing. The hearing must be presided over by a hearing officer who is required by statute to be a member in good standing of the Washington State Bar Association.

Summary: The hearing officer appointed for hearings on nonrenewal or adverse changes in a school employment contract may be an attorney or a person who adheres to the arbitration standards established by the Public Employment Relations Commission and who is on its current arbitration roster. The employee's designee and the employer each appoint nominees to jointly appoint a hearing officer.

Votes on Final Passage:

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

Effective: July 26, 1987

SHB 782

C 423 L 87

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Fisher, Nelson and Locke)

Changing reporting requirements for lobbyists.

House Committee on Constitution, Elections & Ethics
Senate Committee on Judiciary

Background: The public disclosure laws define "lobbying" as attempts to influence the passage or defeat of any legislation by the state legislature or the adoption or rejection of any rule, standard, rate or similar act of a state agency under the state administrative procedure acts.

Although persons who lobby are required to register with the Public Disclosure Commission, exemptions from this requirement are established by law for a number of lobbying activities. Reports filed by lobbyists must identify expenditures made for certain lobbying activities. Reports filed by the employer of a lobbyist must identify the total expenditures made by the employer for lobbying purposes.

Summary: The activities are broadened for which expenses must be reported by a lobbyist and by the employer of a lobbyist in reports filed with the Public Disclosure Commission. Such lobbying activities include the development of legislation or rules, the development of support for or opposition to legislation or rules and attempts to influence the development of legislation or rules.

The annual report by the employer of a lobbyist must include the total expenditures made by the employer for each registered lobbyist for lobbying purposes.

Votes on Final Passage:

House	84	11	
Senate	46	1	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	43	5	
House	96	0	

Effective: July 26, 1987

SHB 783

C 164 L 87

By Committee on Agriculture & Rural Development (originally sponsored by Representatives Rasmussen, L. Smith, Rayburn, Baugher, Todd, McLean, Kremen, Doty, Holm, Peery, Jesernig and P. King)

Allowing the Marketing Association of a cooperative to enter into discussions pertaining to milk agreements.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: The state's Milk Pooling Act was enacted in 1971. Under the act, the director of the Department of Agriculture is authorized, under certain circumstances, to prescribe marketing areas, establish pooling arrangements and formulate marketing plans for milk. Once a marketing plan is effective in a marketing area, no milk dealer subject to the provisions of the plan may handle milk without obtaining an annual license from the director. The act empowers the director to deny, suspend or revoke a license if a milk dealer has been party to a combination to fix prices contrary to law. A cooperative association making collective sales and marketing milk, under state laws governing agricultural cooperative associations, is not acting as a conspiracy or combination in restraint of trade or as an illegal monopoly.

Summary: A cooperative association making collective sales and marketing milk through a marketing agent, under state laws governing agricultural cooperatives, is not acting as a conspiracy or combination in restraint of trade or as an illegal monopoly under the terms of the state's Milk Pooling Act.

Votes on Final Passage:

House	96	0
Senate	48	0

Effective: July 26, 1987

SHB 786

C 401 L 87

By Committee on Education (originally sponsored by Representatives Pruitt, L. Smith, Ebersole, Walker, Spanel, Rasmussen, Sprenkle, Holm, Peery, Todd, Holland, Winsley, Ferguson, May, Unsoeld and Silver)

Providing for the encouragement and measurement of innovative programs by school districts.

House Committee on Education
Senate Committee on Education

Background: One of the schools' major responsibilities is to provide children with the opportunity to acquire the skills necessary to compete in today's world. To develop innovative and creative programs that meet the needs of their community, school districts must have autonomy and flexibility. At the same time, the community will expect efficiency, cost effectiveness and accountability from the school district.

Summary: The Superintendent of Public Instruction is directed to establish a Temporary Committee on the Assessment and Accountability of Educational Outcomes. The committee will be composed of the Superintendent of Public Instruction as chair, a representative of the Governor's Office, three teachers, three principals, two school directors, two superintendents, four legislators and one representative from each of the following groups: educational service districts, parents, students, labor, business, citizens and vocational education.

The committee is responsible for developing educational outcomes by grade level, groups of grade levels or age levels by December 1, 1988. The committee's responsibilities also include developing measures of educational outcomes and preparing an analysis of the reliability, validity and effectiveness of various indicators in measuring educational outcomes. The indicators may include student achievement, attendance, dropout rates, instructional effectiveness, perception of school, school environment and student characteristics. The committee may also study the impact of waiving certain statutory requirements as a way of improving educational outcomes.

Measurement of outcomes is to be assessed on a district–wide basis, but should permit building–by–building comparison. The outcomes measures will use existing state mandated or authorized testing as part of the evaluation process.

The committee is required to report to the legislature by January 1, 1989, on the development of outcomes and outcomes measures.

The Superintendent of Public Instruction may accept gifts, grants, and contributions from public and private sources to support the work of the committee.

The Superintendent of Public Instruction may select 10 districts to field test educational outcomes and outcomes measures developed by the committee. Selected districts will conduct field tests for the 1989–90 through 1992–93 school years. Participating districts

must be identified by June 30, 1989. Participating districts are required to report annually to the Superintendent of Public Instruction on the results of the field tests. By January 1, 1994, the Superintendent of Public Instruction must report to the legislature on the results of the field tests, make recommendations on the statewide implementation of outcomes measures, and recommend whether selected provisions of state statutes should be amended or repealed to enhance the benefits of educational outcomes and related measures.

Teachers are encouraged to apply for grant money to develop innovative ways to achieve educational outcomes to meet both statewide and building level goals.

The sum of $49,500 is appropriated for the purposes of the act.

Votes on Final Passage:

House	71	27	
Senate	33	13	(Senate amended)
House	95	2	(House concurred)

Effective: July 26, 1987

SHB 790

C 370 L 87

By Committee on Judiciary (originally sponsored by Representatives Crane, Wineberry, P. King and Winsley)

Strengthening the laws regulating timeshares.

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

Background: Promoters of timeshares often offer inducements to people who tour their facilities. The Timeshare Act does not provide penalties for a person who fails to fulfill a promise of gifts.

The Timeshare Act provides generally for regulation of the promoters and the management of timeshare facilities. However, the act does not cover some aspects of timeshare promotion and sales. Brokers licensed under the real estate broker statutes are not required to be licensed under the Timeshare Act and are not liable for violations under the act. Individuals who own an interest in a promotion company are not personally liable for violation of the act. Additionally, the act creates ambiguity in some administrative procedures.

Summary: A promoter may not offer an award, prize or other item of value for attending a sales presentation for a timeshare or for touring a timeshare facility unless the promoter provides the director of the Department of Licensing with a security agreement which will assure performance of the promise. A promoter who fails to fulfill a promise may be liable for treble the stated value of the gift, plus reasonable attorney fees. An individual who owns 10 percent or more of a corporation or a general partnership may be held personally liable for violations of the Timeshare Act.

The director of the Department of Licensing may require an annual financial and membership disclosure from timeshare projects. The director may exercise control over the timeshare project's budget. In the event that a budget is found inadequate the director may appoint a consultant to prepare an alternative budget at the expense of the timeshare project.

The Department of Licensing and members of the timeshare project must be given access to membership lists. A member may be excluded from the list if the member specifically requests omission.

A broker licensed under RCW 18.85 is not required to be licensed under the Timeshare Act as well. However, such a broker is liable for violations of the Time Share Act in the same way as a person licensed under the Timeshare Act.

Violation of the Timeshare Act may result in an administrative or legal proceeding. A person against whom an action is filed may be liable for administrative and legal costs, including attorney fees.

Votes on Final Passage:

House	94	0	
Senate	48	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 26, 1987

HB 795

C 291 L 87

By Representatives Meyers, Padden and Lewis

Authorizing retired authorized persons to solemnize marriages.

House Committee on Judiciary
Senate Committee on Judiciary

Background: A state law authorizes members of the clergy and judges of any court in the state to solemnize marriages. The law is silent as to whether court commissioners or retired judges and clergy persons may solemnize marriages.

No particular form of solemnization is required, but the parties must declare their intent to be married in the presence of the judge or clergy member and at least two witnesses. The person who solemnizes the

marriage must file a certificate with the county auditor within 30 days after the marriage. Failure to file the certificate is a misdemeanor.

Summary: Superior court commissioners are authorized to solemnize marriages. Persons authorized to solemnize marriages may do so whether they are actively engaged in or retired from the position that confers that authority.

Votes on Final Passage:

House	83	1	
Senate	48	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 26, 1987

SHB 805

C 112 L 87

By Committee on Education (originally sponsored by Representatives Taylor, Ebersole, Brough, Haugen, B. Williams, H. Sommers, Sanders, Leonard, Betrozoff, Ballard, Bristow, May, Locke, Braddock, Peery, Walker, Padden, D. Sommers, Amondson, Schoon, L. Smith, Bumgarner and Miller)

Limiting the availability of state matching funds for school plant construction under certain circumstances.

House Committee on Education
Senate Committee on Education

Background: School districts may apply to the State Board of Education to obtain state matching funds for new school construction for unhoused students. The state is authorized to provide matching funds from the sale of timber on state lands. However, the decrease in timber sales revenue has resulted in an inability to pay the state matching funds. The legislature, the State Board of Education and school districts have begun to search for alternative ways of providing schools for unhoused students when state matching funds are not available.

Summary: School districts are required to lease a vacant school for a reasonable fee from a contiguous school district wherever possible. No school district with unhoused students may be eligible for state matching percentage for the construction of school plant facilities if: 1) the school district contiguous to the school district applying for the state matching percentage has vacant school plant facilities; 2) the Superintendent of Public Instruction and the State Board of Education have determined that the vacant facilities in the contiguous school district will fulfill the needs of the applicant district; and 3) a lease of the vacant school can be negotiated.

In determining whether a contiguous district's vacant school fulfills the need of the applicant school district, consideration must be given, but not limited, to geographic location as it relates to the applicant district.

Votes on Final Passage:

House	96	2
Senate	47	2

Effective: July 26, 1987

2SHB 813

PARTIAL VETO

C 473 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Leonard, Ebersole, Armstrong, Brekke, Allen, Locke, May, Jacobsen, Lux, K. Wilson, Cole, Nutley, Cooper, Rayburn, Moyer, Unsoeld, Schoon, Hine, Taylor, Scott, Winsley, Meyers, Bumgarner, Belcher, Walker, O'Brien, R. King, Dellwo, P. King, Wineberry, Fisch, Rasmussen and Todd)

Creating a governor's commission on children.

House Committee on Human Services
House Committee on Ways & Means/Appropriations
Senate Committee on Human Services & Corrections and Committee on Ways & Means

Background: Experts feel that the problems faced by today's children and youth are of such a serious and complex nature that an appropriate high-level, visible and coordinated effort is required to identify their needs and plan for providing the services necessary to meet them.

Summary: A Governor's Commission on Children is established to create a long-term plan for the coordinated delivery of services to the state's children. The commission is made up of eight legislators and seven lay members appointed by the governor. Agency officials, service providers and interested parties are to be consulted in development of the long-range strategy.

The plan developed by the commission must include: 1) needs assessment; 2) identification of current services; 3) recommendations of effective methods for implementation of a coordinated system; 4) development of a management system; 5) reduction of overlaps and gaps in services; and 6) expansion of system coordination and funding priorities. The first report on

the plan is due October 1, 1988, and a final report is due January 10, 1989.

The commission expires on January 30, 1989.

Votes on Final Passage:

House	93	3	
Senate	47	1	(Senate amended)
House	87	8	(House concurred)

Effective: July 1, 1987

Partial Veto Summary: Provisions specifying the composition of the commission are vetoed. (See VETO MESSAGE)

HB 815

C 241 L 87

By Representatives Hine, Brough and Haugen

Establishing alternative procedures for enforcement of delinquent county storm water control charges.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: The law authorizing counties to provide storm sewers references city laws for enforcing and foreclosing liens on delinquent storm sewer service charges.

City law provides for an interest of not exceeding 8 percent per annum to be applied to delinquent sewer service charges. City law requires that lien foreclosure actions be commenced within two years of the sewer charges becoming delinquent. City law provides that a sewerage lien for unpaid charges will not extend for a period of up to six months, unless a lien notice on the property is filed.

Summary: As an option to conforming with city law for enforcing and foreclosing liens on delinquent storm water sewer service charges, a county may by resolution or ordinance provide for: (1) interest on the delinquent charges to be up to 12 percent per annum; (2) a sewerage lien for unpaid charges applying for a period of up to one year, unless a lien notice on the property is filed; and (3) an action to foreclose on unpaid charges may be commenced after three years from the date the charges become delinquent.

Votes on Final Passage:

House	91	0
Senate	47	0

Effective: July 26, 1987

HB 816

C 251 L 87

By Representatives Cole, Patrick and P. King

Changing provisions relating to county sheriff civil service systems.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: A civil service system of employment is provided for each county sheriff's office. A class AA county may establish a separate civil service system for its sheriff's or police office if the separate system substantially accomplishes the purpose of the statewide civil service system.

A class AA county is a county that has a population of at least 500,000 at the last federal decennial census. At present only King County is a class AA county, but Pierce County has the requisite population and will become a class AA county at the next federal census.

Summary: The ability of a class AA county to establish a separate civil service system of employment for its sheriff's office is removed. A class AA county may assign all the powers and duties of the civil service commission to a county department or agency, except the authority to remove, suspend, demote or discharge a civil service employee.

Votes on Final Passage:

House	90	0
Senate	47	0

Effective: July 26, 1987

HB 825

C 234 L 87

By Representatives Walk and Fisher

Revising motor vehicle fund uses.

House Committee on Transportation
Senate Committee on Transportation

Background: Cities and towns receive 11.53 percent of the 17 cent portion of the state fuel tax. Of that distribution, 6.92 percent must be used for municipal street purposes, and 4.61 percent must be used for arterial highways and city streets.

Distributions must be used for the following purposes: 1) the construction, improvement and repair of arterial highways and city streets; 2) the maintenance of city streets as approved by the Department of Transportation State-Aid Engineer for cities with populations of 5,000 or less (larger cities may not use

distributions for maintenance); and 3) the payment of any municipal indebtedness incurred in the construction, improvement and repair of arterial highways and city streets.

Summary: Distributions of the fuel tax to cities and towns may be used for chip–sealing and seal coating on arterial highways and city streets. Distributions may also be used for maintenance of arterial highways, as well as for streets in cities with a population of 15,000 or less. Approval by the Department of Transportation State–Aid Engineer is no longer required. Distributions may be used to pay for municipal indebtedness incurred for chip sealing and seal–coating.

Votes on Final Passage:

House	96	0
Senate	46	0

Effective: July 26, 1987

HB 827

C 141 L 87

By Representatives Holland, H. Sommers, Jacobsen, L. Smith, Betrozoff, Valle, May, Wineberry, Moyer, Silver and Schoon

Requiring school districts to solicit competitive bids or proposals when contracting for pupil transportation services.

House Committee on Education
Senate Committee on Education

Background: Fifteen school districts in the state provide pupil transportation services through contracts with private firms. These contracts are permitted to be up to five years in duration.

According to a 1984 attorney general opinion, school districts are not required to solicit bids prior to contracting transportation services. School districts may use: 1) competitive bids, in which only cost is considered, and the contract must be awarded to the low–price bidder; 2) competitive proposals using a formal, public process in which the district solicits proposals and may award a contract based on various criteria, such as cost rates per bus, quality of service and efficiency in routing and scheduling; or 3) no competitive process in awarding pupil transportation contracts.

A 1987 study by the Legislative Budget Committee (LBC) questioned the practice of negotiating long–term contracts for pupil transportation. The LBC recommended that districts be required to engage in an open competitive process at least once every five years prior to entering into a pupil transportation contract.

Summary: School districts may contract for pupil transportation services with a nongovernmental entity so long as the costs do not exceed the projected costs of operating their own pupil transportation. To contract for these services the following conditions must be met: 1) the district engages in open competitive bidding at least once every five years, and 2) competitive bidding means either the solicitation of bids or quotations and the award of contracts to the lowest bidder or competitive solicitation of proposals and their evaluation consistent with Office of Financial Management procedures and criteria. The district may enter into contracts for less than five years with the right to renew, extend or terminate the contract.

Votes on Final Passage:

House	92	0
Senate	45	0

Effective: July 26, 1987

HB 831

C 453 L 87

By Representatives Leonard, Madsen and Hankins

Increasing retained percentage for horse racing commission from specified races.

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

Background: Parimutuel monies from horse racing are allocated by law. Percentages of the daily gross receipts are designated for the state, the licensed race meets, and trade and agricultural fair funds. The amounts not specifically designated by law go to the bettors at the race meets.

The state's share is 0.5 percent on daily gross receipts of $200,000 or less, 1.0 percent on daily gross receipts from $200,001 to $400,000, and 4.0 percent on daily gross receipts over $400,000. Of the state's share, the Horse Racing Commission retains 22 percent and the General Fund receives 40 percent. For exotic races, which are those involving multiple wagers, the state receives an additional 2.5 percent on races with two selections and 3.5 percent on races with three or more selections. Of the additional amounts, the commission retains 22 percent and the General Fund receives 78 percent.

The Horse Racing Commission is composed of three members appointed for six-year terms by the governor, with the consent of the Senate. One of the commissioners must be a race horse breeder of at least one year's standing.

Summary: The percentage of the state's additional share of daily gross receipts on exotic races retained by the Horse Racing Commission is raised from 22 percent to 31 percent. Therefore, the percentage received by the General Fund is reduced from 78 percent to 69 percent.

Four nonvoting legislative members are added to the Horse Racing Commission. Two members must be from the Senate and two from the House, respectively appointed by the President of the Senate and the Speaker of the House. One member from each house must be from the majority party and one member from the minority party. The legislative members will assist in the policy making, rather than administrative functions of the commission. The provision adding the legislative members has an expiration date of October 31, 1991.

Votes on Final Passage:

House	94	2
Senate	36	12

Effective: July 26, 1987

SHB 833

C 480 L 87

By Committee on State Government (originally sponsored by Representatives Sprenkle, Cooper, Jacobsen, Pruitt, Bristow, Valle, K. Wilson, Kremen, Cantwell, Grant, Crane, Ebersole, Todd, J. Williams, Sanders and P. King)

Creating Washington state efficiency study commission.

House Committee on State Government
Senate Committee on Governmental Operations

Background: In 1965, the state of Washington formed a 90-member council to study and evaluate the operations of 37 departments, agencies, commissions and boards including the Governor's Office. Six hundred and seventy recommendations were issued. The study was financed by over 260 state business and industry organizations.

Similar efforts were recently undertaken in the states of Ohio (1983), North Carolina (1985), and West Virginia (1985), all utilizing private sector management specialists and funding.

Summary: The Washington State Commission for Efficiency and Accountability in Government is created to conduct a study of efficiency in state government in order to improve management and to reduce costs. The Office of Financial Management and the legislature will provide staff. The commission will consist of fourteen members, including citizen members from private sector business and industry; labor and public interest organizations (six appointed by the governor and three appointed by the legislature); a representative from each of the four legislative caucuses appointed by the legislature, and the governor who shall chair the commission. Commission members will be reimbursed for travel expenses.

The commission will present its initial report to the governor and the legislature recommending legislation and executive action to: (1) increase efficiency and reduce costs in state government; (2) enhance executive accountability and organizational soundness of government; (3) enhance legislative oversight and program accountability; and (4) improve managerial competence and work force accountability.

A list of programs of major fiscal impact will be prepared for review by the commission. The commission will develop a four-year plan for review of selected programs, establish the scope of review and select review teams. The four-year plan will be submitted to the legislature by December 31, 1987. Annually thereafter, the commission will report recommendations for legislative and executive action. Program review activity will be privately funded.

The commission will expire on December 31, 1989.

Votes on Final Passage:

House	89	4	
Senate	48	0	(Senate amended)
House	97	1	(House concurred)

Effective: July 26, 1987

HB 843

C 184 L 87

By Representatives Armstrong and Nelson

Changing provisions relating to the collection of charges for the radiation perpetual maintenance fund.

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

Background: In 1979, the legislature established a "radiation perpetual maintenance fund" to provide money to decommission and maintain necessary surveillance of uranium mill facilities so that the public health and environment would be protected. The

money was to come from the uranium mill operators. Mill operators were also required to provide a bond to help cover the cost of decommissioning and surveillance. Estimated closure costs at the time the fund was established were about $500,000 per site. Thus, a cap of $1,000,000 was placed on the amount of money which could be collected for the fund. The three uranium mill operators that have mines in this state have now ceased operations because of depressed uranium markets. Decommissioning costs for each of the sites is now estimated to be several millions of dollars. The bonding company of one operator is bankrupt, as is the operator itself. Collection efforts have been hampered by constraints in existing state law. If collection does not occur, the state may have to fund the actions necessary to protect the public health and environment.

Summary: The ability of the state to collect money from mill operators for decommissioning and maintaining necessary surveillance of uranium mining operations is enhanced in several ways: 1) the ceiling of $1,000,000 on collections is removed; 2) the Department of Social and Health Services is expressly authorized to collect money needed for health and environmental monitoring and protection at the time mining operations cease; 3) a statutory priority lien is established on all real and personal property owned by the uranium mill operator for money owed; 4) the attorney general is directed to use all available means to enforce collection of money owed; and 5) bonds are to be provided for all nongovernmental operators in sufficient amounts and only by bonding companies approved by the state finance commission.

Votes on Final Passage:

House	96	0
Senate	49	0

Effective: July 26, 1987

SHB 844

C 475 L 87

By Committee on State Government (originally sponsored by Representatives Belcher, H. Sommers, Holm, Hankins, Lewis, Unsoeld, Peery, Miller, Sayan, Sprenkle, K. Wilson, Locke, Madsen, Hargrove, Rasmussen, Sutherland, Fisher, R. King, Walk, Nelson, Todd, Ebersole, P. King, Brooks, D. Sommers, Allen, Lux, Heavey, Scott, Cole, Pruitt, Wang, Dellwo, Basich and B. Williams)

Authorizing a dependent care plan for state employees.

House Committee on State Government
House Committee on Ways & Means/Appropriations
Senate Committee on Governmental Operations

Background: In 1986, the Department of Personnel and the Higher Education Personnel Board conducted a study of their personnel systems to identify where state law and administrative rules could be changed to help meet state employees' child care needs.

During this study employees expressed interest in a payroll deduction option for child care expenses.

The Internal Revenue Code allows employers to establish a dependent care plan under which employees may deduct from their gross income a monthly sum to be used for dependent care expenses. This sum is placed in an account from which the employer reimburses an employee for the employee's actual dependent care expenses. The deduction reduces the gross income of the employee for income tax purposes thereby reducing the amount of employee income tax paid. The social security contribution of the employer and employee is also reduced.

All dependent care plans must be approved by the Internal Revenue Service. Such programs are currently in place in Anchorage, Denver, San Antonio, San Diego and the state of Illinois.

Summary: A salary reduction plan is established under the provisions of the Internal Revenue Code for any state employee choosing to participate. The plan allows state employees to agree to an amount to be deducted from their salaries which would be deposited in the salary reduction account. An employee shall be informed of all benefits and reductions that will occur as a result of such election, before their election to participate. The committee may adopt rules to allow participation by temporary as well as permanent state employees.

The employee's retirement benefit and contribution will continue to be calculated on total compensation received.

The Committee for Deferred Compensation is responsible for formulating, adopting and administering the plan.

Administration expenses are appropriated from the General Fund. Program administration costs may be covered by a fee charged to the participant, from savings realized by the employer due to reductions in social security contributions, from interest earned on the salary reduction account and from unclaimed moneys in the account at the end of each year.

Votes on Final Passage:

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

Effective: July 26, 1987

HB 856

C 276 L 87

By Representative Valle

Authorizing study of bed and breakfast industry.

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

Background: There has been considerable growth in the number of bed and breakfast facilities in the state of Washington in recent years, as a component of the growth of the travel and tourist industry in the state. There is currently no source of data on this industry, its development or its significance.

Summary: The Senate Commerce & Labor Committee and the House Trade & Development Committee are directed to undertake a study of the bed and breakfast industry in the state. The study is to encompass the industry, its economic impact on the state and its impact on the environment of the state. Study findings will be reported to the legislature before June 1, 1988.

Votes on Final Passage:

House	93	2	
Senate	27	22	(Senate amended)
House	87	11	(House concurred)

Effective: July 26, 1987

SHB 857

C 437 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Hine, Jacobsen, Ebersole, Allen, Prince, Unsoeld, Miller, Basich and Todd)

Creating a future teachers conditional scholarship program.

House Committee on Higher Education
House Committee on Ways & Means/Appropriations
Senate Committee on Education and Committee on Ways & Means

Background: Many of the reports of recent years, assessing the challenges facing the country's K-12 educational systems, have emphasized a need to recruit academically superior students into the teaching profession. "Right now too many students entering college programs leading to teaching careers are among the lowest achieving graduates of U.S. high schools. We are preparing our poorest students to be our future teachers, and this situation must be changed." This declaration from the Committee for Economic Development was included in A NATION PREPARED, a report on educational reform by the Carnegie Forum on Education and the Economy.

Minorities constitute close to 25 percent of the elementary and secondary student population nationally. The report by the Carnegie Forum also found that, "Schools form children's opinions about the larger society and their own futures. The race and background of their teachers tells them something about authority and power in contemporary America. These messages influence children's attitudes toward school, their academic accomplishments, and their views of their own and others' intrinsic worth." The report went on to recommend that the federal government establish a fellowship program for minority students who enroll in professional education programs at the graduate level. In return, recipients would commit themselves to teaching for a fixed period.

The Marshall Plan, a report recommending major changes needed in higher education to prepare this country for the 21st century, recommended reinstituting a student loan forgiveness program for graduate students who enter the teaching profession. Such a program would complement the Governor's plan to require that future teachers acquire a master's degree before entering the teaching profession.

Washington already provides an incentive loan program for future math and science teachers. Students receiving loans under this program have the entire loan, with interest, forgiven if they teach math or science in the public schools of this state for 10 years.

Summary: The legislature finds that encouraging outstanding students to enter the teaching profession is of paramount importance to the state. Through the creation of a conditional scholarship program, the legislature intends to help recruit as teachers students who have distinguished themselves through outstanding academic performance and students who can act as role models for children, including those from targeted ethnic minorities.

The future teachers conditional scholarship program is established. Resident students, registered for a minimum of ten credit hours or the equivalent, who graduate with a 3.30 grade point average from high school or who maintain at least a 3.00 grade point average in college are eligible for the program. Eligible students must also declare an intent to complete a teaching certification program or acquire an additional teaching

endorsement. Eligible students may also include post-graduate students who have completed a baccalaureate degree with a grade point of 3.00 or more, as long as they meet the credit hour and teacher preparation criteria outlined above.

The Higher Education Coordinating Board will administer the program. The board will establish a planning committee to develop criteria for selecting recipients of the conditional scholarships. These criteria will emphasize excellence through such factors as superior scholastic achievement, leadership ability, community contributions and an ability to act as a role model for targeted ethnic minority students. The criteria may also include a financial need component for about half of the recipients.

The board will select recipients to receive conditional scholarships with the assistance of a screening committee composed of teachers and leaders in government, business and education. The board will also adopt necessary rules, publicize the program, collect and manage repayments from students who do not meet their teaching obligations and solicit and accept grants and donations from public and private sources.

The board may make conditional scholarships available to eligible students from donated funds, or from funds appropriated to the board for that purpose. The amount of the scholarship must not exceed $3,000 per year. A student is eligible to receive conditional scholarships for a maximum of five years.

Participants in the program incur an obligation to repay the conditional scholarship, with interest, unless they teach for ten years in the public schools of the state. The terms of the repayment, including deferral of the interest, will be consistent with the terms of the federal guaranteed loan program.

The payback period for the conditional scholarship is 10 years, with payments accruing quarterly beginning nine months from the date the participant graduates or discontinues his or her higher education. The principal and interest for each payment will be forgiven for each payment period in which the participant teaches in a state public school. Should the participant stop teaching before his or her obligation is completed, the payments on the unsatisfied portion of the principal and interest will begin during the next payment period and continue until the repayment obligation is satisfied.

The board is responsible for the collection, servicing and forgiveness of the repayments. Any collection of the repayments will be performed by entities approved by the Washington Student Loan Guarantee Association.

Receipts from the repayments will be deposited with the board, and will be used to cover program costs. Any receipts beyond those used to cover program costs will be used to grant additional scholarships.

After consulting with the board, the governor may transfer this program to another agency with an appropriate educational mission.

No conditional scholarships will be granted after June 30, 1994, unless the program is reenacted.

Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 26, 1987

HB 865

C 118 L 87

By Representatives Wang, Patrick, Sayan, Holland, Locke, H. Sommers and Grimm

Revising continued service credit for duty disability retirement recipients.

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

Background: In 1986, a law was enacted allowing members of the Public Employees' Retirement System (PERS) who became disabled in the line of duty to receive up to 12 months of service credit for such periods of disability. In order to be eligible for the service credit, the law requires that the member must be receiving state worker's compensation benefits and must make both the employer and the employee contributions.

Some members of PERS ,such as ferry workers, receive worker's compensation coverage under federal law.

Summary: Public Employees' Retirement System members who become disabled in the line of duty and receive worker's compensation benefits pursuant to federal law are eligible to receive up to 12 months of service credit.

Votes on Final Passage:

House	91	0
Senate	48	0

Effective: July 26, 1987

SHB 876

C 410 L 87

By Committee on Human Services (originally sponsored by Representatives Brough, Leonard, Scott, Allen, Brekke, Locke, Belcher, Patrick, Cole, Braddock, Rust, Lux and May)

Changing certification requirements for methadone treatment programs.

House Committee on Human Services
Senate Committee on Human Services & Corrections

Background: In 1986, the Department of Social and Health Services was directed to establish standards for methadone treatment centers operating in Washington state. Although the department is authorized to certify programs complying with these standards, county legislative authorities may prohibit the operation of programs within the county. Counties may also license treatment programs and limit the number of programs. However, the limitation of programs must be based on population, and the number of programs may not be less than the number certified as of March 12, 1986, the effective date of the 1986 act.

Summary: Methadone is declared as an addictive substance but is recognized for its importance in treatment of persons addicted to opioids. The goal of methadone treatment is stated to be drug-free living for individuals participating in the treatment program. The state asserts the right to regulate the clinical uses of methadone treatment, but declares that there is no fundamental individual right to methadone treatment.

The Department of Social and Health Services is required to establish statewide operating standards for methadone treatment centers no later than August 1, 1987, and report the standards to the legislature prior to the 1988 regular session.

County legislative authorities may prohibit methadone treatment programs in the county. If programs are allowed, the county licensing program must limit the number of programs and monitor the programs for compliance with standards developed by the department. Counties are required to adopt licensing standards that are consistent with departmental standards. Counties may operate methadone treatment programs directly through local health departments or health districts, or license and authorize certified programs. All programs must comply with operating standards within 90 days after adoption of standards or 90 days after August 1, 1987, whichever is earlier. Counties are also required to give preference for licensure to programs existing on the effective date of the act. A methadone program may serve no more than 350 clients, but programs exceeding this limit may reduce their caseload by attrition.

The department or a county may not discriminate on the basis of corporate status in certifying or licensing programs. Programs denied licenses or certifications must be given written notice of the reasons for denial.

Votes on Final Passage:

House	74	20	
Senate	49	0	(Senate amended)
House	81	15	(House concurred)

Effective: May 18, 1987

SHB 902

C 339 L 87

By Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson and Hine)

Exempting city and town fire and police chiefs from civil service provisions and establishing standards for persons appointed as chief of police or town marshal.

House Committee on Local Government
Senate Committee on Governmental Operation

Background: Every city, town and municipality (undefined, although presumably this means a fire protection district, a water district, port district or any other local government) that has a "full paid fire department" must create a civil service commission and employ the fire fighters under a civil service system. A "full paid fire department" means fire fighters (presumably two or more) who are regularly paid for fire fighting. All full paid employees (presumably even non-fire fighters) of the fire department are subject to the civil service system,including the chief.

Every city, town and municipality (undefined, although presumably this means a port district, airport district, or any other local government) that has a "full paid police department" must create a civil service commission and employ the police officers under a civil service system. A "full paid police department" means police officers (presumably two or more) who are regularly paid for and devote their whole time to police duty. All full paid police officers of the police department who are regularly paid by the city, town or municipality, including the chief, are subject to the civil service system.

Summary: The chief of a fire department who is appointed after July 1, 1987, may be excluded from a civil service system.

The chief of a police department of six or more officers may be excluded from a civil service system.

Qualifications are established for persons appointed to chief of police, or marshal. In a city with a population in excess of 1,000, the appointee must : (1) be a U.S. citizen; (2) have a high school diploma or general educational development (GED) diploma; (3) not have been convicted of a felony; (4) not have been convicted of a gross misdemeanor or crime involving moral turpitude within five years; (5) have completed at least two uninterrupted years of regular commissioned law enforcement employment; and (6) have completed the state's basic law enforcement training requirement or equivalency. In a city or town of 1,000 or less, the appointee must: (1) be a U.S. citizen; (2) have a high school diploma or GED; (3) not have been convicted of a felony; and (4) not have been convicted of a gross misdemeanor or crime involving moral turpitude. Within nine months, the appointee in a city or town under 1,000 population must have completed the state's basic law enforcement training requirement or equivalency.

Votes on Final Passage:

House	95	0	
Senate	44	0	(Senate amended)
House			(House insisted)
Free Conference Committee			
Senate	49	0	
House	97	0	

Effective: July 1, 1987

SHB 920

PARTIAL VETO

C 320 L 87

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Zellinsky, Lux, S. Wilson and Taylor)

Providing specific insurance rate-making criteria for passenger cars with safety and anti-theft devices.

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

Background: In 1984, the legislature adopted an act requiring children under the age of five to be properly secured in a car seat whenever riding in a motor vehicle.

Last year, the legislature adopted a mandatory seat belt law that requires all motor vehicle occupants to wear seat belts except when riding in certain types of motor vehicles or when a licensed physician certifies that the person is unable to wear a seat belt. Some motor vehicle liability insurers intend to offer discounts for certain types of coverages to reflect potential savings from the wearing of seat belts.

Some motor vehicle liability insurers discount the comprehensive coverage of an auto policy when the insured vehicle contains an anti-theft device.

Summary: Insurance companies that issue motor vehicle liability insurance policies must take into consideration anticipated changes in losses that will result when policyholders wear seat belts and when policyholders install anti-theft devices in their vehicles. The insurer must report these changes in a rate filing with the insurance commissioner so that the commissioner can use the information in deciding whether to approve a rate. Similarly, insurers must take into consideration changes in losses from the use of running lights and from the insuring of more vehicles than drivers under the same policy.

Votes on Final Passage:

House	93	3	
Senate	46	0	(Senate amended)
House	96	1	(House concurred)

Effective: January 1, 1988

Partial Veto Summary: Provisions that require insurers to adjust rates to reflect loss reductions resulting from seat belt usage are vetoed. These provisions duplicated SSB 5113. (See VETO MESSAGE)

SHB 927

PARTIAL VETO

C 442 L 87

By Committee on Judiciary (originally sponsored by Representative Armstrong)

Revising the enforcement of judgments.

House Committee on Judiciary
Senate Committee on Judiciary

Background: A judgment in a lawsuit often involves a requirement that the losing party pay the winning party money. If the losing party is not forthcoming with payment, there are procedures that the winning party may use to satisfy the judgment. These procedures involve the taking of the loser's property and future earnings. In some instances, these procedures may be used before a judgment is obtained.

The law of enforcement of judgments includes a myriad of procedures and exemptions. Following a lawsuit, courts can issue writs of "Execution" which

direct the county sheriff to take the property of the judgment debtor. The property is then subject to "Sale under Execution." Certain parties other than the creditor or debtor may be allowed to file an "Adverse Claim" indicating that they have an interest in the property potentially subject to sale. Following a sale under an execution, there is a period of "Redemption" during which the judgment debtor or certain others may get the property by paying the purchase price paid at the sale plus certain expenses. Under some conditions, a plaintiff can "Attach" the property of a defendant or get a writ of "Garnishment" against his or her earnings before judgment is entered. Garnishment is also available after judgment. Attachment involves the seizure and holding of the defendant's property pending the outcome of the lawsuit. Garnishment is a method of forcing the debtor's employer to pay the creditor directly out of the debtor's paycheck. Garnishment may also be used to get at other assets of the debtor, such as a bank account. There have been a number of federal and state court decisions regarding attachment and garnishment. These decisions generally require, as a matter of due process, that parties whose property is subject to attachment or garnishment must be given adequate notice of what is going to happen and what their rights are and, in some cases, that a hearing be provided.

Some property is specifically exempted from these procedures for enforcing judgments. A "homestead" exemption of $25,000 is provided for the real property of a debtor that is used or intended for use as his or her home. Certain personal property is also exempted.

Much of the statutory law on enforcement of judgments is very old, dating from the last century, and contains archaic language and obsolete references.

Summary: The law on enforcement of judgments is reorganized. The law is collected in one title of the code, and divided into ten chapters.

PART I, GENERAL PROVISIONS. This part of the act collects and clarifies various existing provisions of law. Among other things, Part I indicates the act's general applicability to district courts as well as superior courts. It directs that the county coroner is to take the place of the sheriff when the sheriff is an interested party in an enforcement of a judgment. It also provides for a right of contribution when multiple parties or sureties are involved in an enforcement.

PART II, HOMESTEADS. This part reconciles inconsistent or ambiguous provisions formerly found in the law and changes the amount of the homestead exemption. It removes archaic terminology. Clarification is provided that homestead property is not exempt from real estate taxes and assessments. It is also made explicit that if homestead property is destroyed, any insurance proceeds will enjoy homestead protection for one year following their receipt. Certain references and terms are updated in light of federal statutory changes and court decisions. The amount of the homestead exemption for real property is raised from $25,000 to $30,000.

PART III, PERSONAL EXEMPTIONS. This part provides an explicit method, similar to that already existing with respect to real property, for the sale of indivisible exempt personal property (e.g., a car) where the exemption allowed is less than the value of the property. Obsolete terms are replaced.

PART IV, EXECUTIONS. The timing of the existing ten-year period during which an execution is valid is clarified. The period runs from the entry of judgment. The statute is changed to reflect court interpretation of prior law that obtaining a court order of execution is not a prerequisite to a finding of contempt for disobeying a judgment. Express provisions are added to cover a vendor's interest under a real estate sales contract, and to cover other intangible property. The prior law is consolidated and reorganized, and many cross references are supplied.

PART V, ADVERSE CLAIMS. The law is reorganized and definitions are supplied. Due process provisions are provided for adverse claimants before they are required to post a bond. A hearing must be held to determine whether the adverse claim is "probably valid."

PART VI, SALES ON EXECUTION. Expanded notice is required for judgment debtors telling them of an impending sale. The notice must indicate two additional circumstances in which the debtor may be able to stay in possession of real property during the redemption period following the sale. Those circumstances involve agricultural property and property subject to a mortgage that expressly allows for continued possession during the redemption period.

PART VII, REDEMPTIONS. Explicit provision is made regarding the extension of periods of re-redemption following a redemption. Those periods may extend beyond the initial redemption period.

PART VIII, ATTACHMENTS. This part provides due process safeguards for persons facing pre-judgment attachment consistent with federal and state court decisions. Notice to the defendant and an opportunity for a hearing are required. Ex parte attachments are allowed on limited grounds. Those grounds are that the property involved is real property, or that it is personal property which is about to be moved, concealed or sold. Following such an ex parte order,

the defendant must be given notice and a chance for a hearing.

Misdemeanor and gross misdemeanor violations that caused the injury giving rise to the judgment being sought, may serve as the grounds for seeking a pre-judgment attachment.

The minimum bonds for plaintiffs seeking attachment are raised from $300 to $3,000 in superior courts, and from $50 and $500 in district courts. Also, the judge is given discretion to set the bond at any amount above the minimum.

Explicit procedure is provided for the disposition of property still held by a sheriff under an attachment if the defendant has been declared bankrupt.

PART IX, PRE-JUDGMENT GARNISHMENT. The same kind of due process protections that are provided for attachments are provided for pre-judgment garnishment. Explicit provisions are added regarding posting of bonds and recovery against bonds in pre-judgment garnishments. These bond provisions parallel those in the attachment law, including an ability to recover exemplary damages for malicious garnishment.

PART X, GARNISHMENT. Enhanced notice of garnishment is required to be given to defendants as well as garnishees. Notice of writs of garnishment sent to the judgment debtor must explain that the debtor may have rights, including exemption rights, that must be exercised within 10 days.

The relationship with federal laws on exemption is clarified.

A simplified form is provided for calculating the amount of wages exempt from a garnishment.

The period of a continuous lien against earnings subject to garnishment is increased from 30 days to 60 days.

Votes on Final Passage:

House	93	0	
Senate	47	1	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	41	0	
House	95	0	

Effective: July 26, 1987

Partial Veto Summary: The partial veto removes a section that is duplicative of a section in a bill previously enacted and signed into law. (See VETO MESSAGE)

SHB 928

C 374 L 87

By Committee on Natural Resources (originally sponsored by Representatives Spanel, K. Wilson, Schmidt, Meyers, Zellinsky, Cole, Fuhrman, S. Wilson, Belcher, Haugen and Bumgarner)

Establishing procedures for leasing lands for commercial harvesting of subtidal hardshell clams.

House Committee on Natural Resources
Senate Committee on Natural Resources

Background: The Department of Natural Resources (DNR) manages the land underlying the water of the state. This includes the beds of navigable waters. Existing laws direct the department to manage the submerged lands for public benefits. These benefits include: 1) encouraging direct public use and access; 2) fostering water-dependent uses; 3) ensuring environmental protection; and 4) utilizing renewable resources. Producing revenue in a manner consistent with these criteria is a public benefit.

One aspect of revenue production includes leasing beds of navigable waters for the harvest of shellfish such as geoducks and hardshell clams. Current law provides a process where the director of the Department of Fisheries and DNR work together to determine the value of a proposed lease of aquatic lands for cultivating shellfish. The Department of Fisheries may determine that an area is not suitable for leasing. If the area is suitable for leasing, the director determines the value of the shellfish and the minimum rental of the proposed lease. Lease terms range from five to ten years.

For more than a decade, DNR has attempted to lease a tract of submerged land near Agate Pass in Kitsap County for the harvest of hardshell clams. Harvesting would be by hydraulic escalator. The method and the location of the lease are controversial. The land is currently under lease. The harvesting has not begun due to a series of legal challenges. In March, the state supreme court held that DNR did not violate any laws or procedures in offering the tract at Agate Pass for lease.

Summary: The Department of Natural Resources cannot permit the commercial harvest of subtidal hardshell clams by means of a hydraulic escalator when upland property within 500 feet of the lease tract is zoned for residential use.

Votes on Final Passage:

House	95	0	
Senate	49	0	(Senate amended)
House	94	3	(House concurred)

Effective: May 12, 1987

SHB 931

C 411 L 87

By Committee on Health Care (originally sponsored by Representatives Leonard, Padden, Braddock, Day, Hine, Lewis, Appelwick and Sprenkle)

Regulating the possession and distribution of legend drug samples.

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

Background: For marketing purposes, pharmaceutical manufacturers give complimentary sample prescription drugs to physicians and other prescribers. Distribution of these samples is not regulated. Manufacturers' representatives who distribute sample controlled substances are not required to register with the Board of Pharmacy. There have been instances in which sample prescription drugs have been diverted to uses other than the intended use.

Summary: Pharmaceutical manufacturers that intend to distribute complimentary prescription drug samples must register annually with the Board of Pharmacy. The manufacturer must provide a 24-hour telephone number and the name of a person who can respond to reasonable board inquiries concerning possible violations of the law, based on reasonable cause. A manufacturer must respond to a board request for the location of drug storage sites as soon as possible, but no later than the board's close of business on the day following the request. Records and an inventory of drug samples, available for inspection upon reasonable cause, must be maintained by the manufacturer. Any loss or theft of drug samples must be reported to the board as soon as possible. Manufacturers are required to identify the practitioners to whom the sample drugs are distributed and the drugs distributed. Requirements for storage, transportation and disposal of drug samples are specified.

A civil penalty of up to $5,000 for violations of the act is established. Sample drugs may be seized after notice is given by the board. Manufacturers are liable for the acts of their representatives.

All records and reports of the manufacturer obtained by the board are exempt from public disclosure except the identity of persons violating federal and state laws.

The board may charge a reasonable fee for registration, not exceeding a pharmacy location license fee.

Votes on Final Passage:

House	96	0	
Senate	47	1	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	45	0	
House	96	0	

Effective: July 26, 1987

SHB 937

C 290 L 87

By Committee on Commerce & Labor (originally sponsored by Representatives Jacobsen, Lux, R. King, Appelwick, Wang and Cole)

Establishing time limit for forwarding of industrial insurance claims information by self-insurers.

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

Background: Employers who are self-insured under Washington's industrial insurance system are required to make reports on their workers' claims under specific circumstances and in accordance with rules adopted by the Department of Labor and Industries.

Summary: If a worker or self-insured employer requests a determination from the Department of Labor and Industries on an industrial insurance claim, the self-insurer is required to forward all medical reports and other specified information to the department, if not previously submitted. All information on a claim in the possession of the self-insurer must be forwarded within 10 days of receiving a request by certified mail from the department.

Votes on Final Passage:

House	90	0
Senate	47	0

Effective: July 26, 1987

SHB 942

C 116 L 87

By Committee on Health Care (originally sponsored by Representatives Cantwell, Moyer, Braddock, D. Sommers, Sprenkle, Ferguson, Schoon, Brooks, Lux, Beck, Bristow, Lewis, Day, Bumgarner, Jesernig, Padden and Miller)

Including a physician's assistant on the state board of medical examiners.

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

Background: The Board of Medical Examiners is composed of six physicians and one public member appointed by the governor. The board's general responsibility is examining applicants for licensure. The board also examines applicants for registration as physician assistants. No licensed physician assistant is a member of the board.

Summary: A registered physician assistant is added as a member of the Board of Medical Examiners. The board member representing physician assistants may vote only on matters directly related to physician assistants. The physician assistant member is appointed for a five–year term.

Votes on Final Passage:

House	91	0
Senate	49	0

Effective: July 26, 1987

HB 947

C 260 L 87

By Representatives Betrozoff, Walk, Patrick, Schmidt, D. Sommers, Baugher, Ferguson, May, Brough and Miller

Providing for the collection of unpaid motor vehicle excise taxes.

House Committee on Transportation
Senate Committee on Transportation

Background: The motor vehicle excise tax is imposed for the privilege of using any motor vehicle in the state except those vehicles operated under reciprocal agreement, dealers licenses or under authority of a "trip permit." The tax rate of 2.235 percent is applied to the value of the vehicle and is payable annually at the time of registration or renewal.

Washington state residents who license their vehicles out of state avoid paying motor vehicle excise taxes. In the event the resident re–registers in Washington, there is no statutory authority to permit the Department of Licensing to collect back taxes.

Summary: The Department of Revenue is authorized to collect unpaid motor vehicle excise taxes for any years during which a vehicle was located in Washington state but licensed elsewhere. The department will also charge interest of 9 percent on the unpaid excise taxes. If payment with interest is not received within 10 days of notification, a penalty of 10 percent is added to the amount of the additional tax owing.

If the Department of Revenue finds that there was intent to evade paying the tax, then a further penalty of 50 percent is added. In most cases, the Department of Revenue cannot go beyond four years to collect unpaid taxes.

The fiscal impact is estimated to be $200,000 to the General Fund for the 1987–89 biennium. There is a negligible impact on motor vehicle excise tax distributions to local governments.

Votes on Final Passage:

House	90	0
Senate	49	0

Effective: July 26, 1987

HB 954

PARTIAL VETO

C 295 L 87

By Representatives Pruitt, Fisher, Fisch, Leonard and Brekke

Making genderless designations in some of the elections statutes.

House Committee on Constitution, Elections & Ethics
Senate Committee on Governmental Operations

Background: State law permits any member of a major political party who is a registered voter to file a declaration of candidacy for the office of precinct committeeman for the person's party in that person's precinct. The members of the county central committee, made up of such precinct committeemen, elect a chairman and vice chairman of the central committee.

Since July 1, 1983, all statutes, memorials and resolutions enacted, adopted or amended by the legislature have been directed by law to be written in gender–neutral terms unless a specification of gender is intended. Measures failing to observe this directive are not invalid because of that failure.

Summary: References to the office of precinct committeeman and to central committee chairman and vice chairman in the Election Code are changed to being references to the office of precinct committee officer and to central committee chair and vice–chair respectively. Certain other uses of the masculine gender in the election code are also made gender neutral.

Votes on Final Passage:

House	92	0
Senate	44	0

Effective: July 26, 1987

Partial Veto Summary: Certain uses of the masculine gender are not made gender neutral because these changes are duplicated in SHB 614. (See VETO MESSAGE)

HB 959

FULL VETO

By Representatives L. Smith, Haugen, Ferguson, Bumgarner and Brough

Specifying powers of initiative and referendum for cities and towns.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: The state constitution grants voters in the state the powers of initiative and referendum on state matters. No constitutional provisions grant voters in a local government the powers of initiative and referendum on local matters.

A city or county charter may grant the city or county voters the powers of initiative or referendum on city or county matters.

Laws grant the voters of any non–code city or town, that operates with a commission form of government, the powers of initiative and referendum on city or town matters. At present, no city or town of this description exists.

Laws permit the voters of any code city to obtain the powers of initiative or referendum on city matters: (1) if the voters possessed these powers prior to becoming a code city; (2) if the city council grants these powers either at the time of becoming a code city or anytime thereafter; or (3) if city voters petition for such powers, and then approve a ballot proposition granting these powers.

Summary: The voters of any code or non–code city, and the voters of any town with a population in excess of 500, that currently do not possess the powers of initiative and referendum on city or town matters, are granted these the powers of initiative and referendum on city or town matters. The procedures for and limitations on these powers are the same as those that currently exist for code cities, except that the petition may be printed on paper of any color. These procedures include a petition signature requirement of at least 15 percent of the number of registered voters in the city or town at the last city general election.

Land use and zoning decisions may not be subjected to initiative and referendum under these laws. Initiative and referendum action in second class cities, third class cities and towns is limited to powers expressly granted to the city or town.

Votes on Final Passage:

House	63	33	
Senate	34	14	(Senate amended)
House	72	26	(House concurred)

FULL VETO: (See VETO MESSAGE)

SHB 970

FULL VETO

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Sayan, Taylor, Cole, Padden, Baugher, D. Sommers, Rayburn, Rust, Vekich, Schoon, Barnes, Fisch and Jesernig)

Providing a reimbursement formula for institutions for the mentally retarded.

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

Background: The Department of Social and Health Services contracts with some nursing homes to provide care and treatment for persons with developmental disabilities. The department established an accounting and reimbursement system for these nursing homes which differs from the method used for nursing homes which care for the elderly.

Summary: The Department of Social and Health Services is required to reimburse nursing homes caring for the developmentally disabled in the same manner as other nursing homes for the property and return–on–investment portion of their reimbursement formula. Nursing homes affected by this legislation would have their variable return on investment set at 2 percent. Facilities which are leased on January 1, 1987 will continue to be reimbursed for their lease costs for the remainder of the lease.

Votes on Final Passage:
House 97 0
Senate 46 0
FULL VETO: (See VETO MESSAGE)

SHB 978

PARTIAL VETO
C 517 L 87

By Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Baugher, Bristow, Doty and Lewis)

Revising provisions relating to the Yakima river basin enhancement project.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: The state and federal governments have been conducting the Yakima River Basin Water Enhancement Project, a study of water issues in the basin. The primary objectives developed under the study are: providing supplemental water for presently irrigated lands; providing water for new irrigation development on the Yakima Indian Reservation and for increasing instream flows for anadromous fish; and developing a comprehensive water management plan for the basin.

State law directs the Department of Ecology to work with members of the congressional delegation to identify and advance, for federal authorization, elements of the Yakima enhancement project for early implementation. These elements must have general public support and acceptable cost–sharing arrangements, meet study objectives and otherwise have potential for early implementation.

Summary: Congress is requested to authorize the construction of a pipeline between Keechelus Lake and Kachess Lake as one of the early implementation elements of the Yakima River Basin Water Enhancement Project to supply water for the operation of the fish passage facilities at Easton Dam. The Department of Ecology must work to assure that this element is included in federal legislation.

While the Yakima enhancement project is being developed and implemented, the policy of the state will be to require that any new water project or modification of a water project, including fish passage or protective facilities, that creates a new demand for surface water from the Yakima river system include as a part of the project a supply of water to meet the demand created. Water supplied by proposals to raise the reservoir elevation of Cle Elum Lake by three feet will not be considered such a supply of water. Any permit or other authorization of a state agency required for the project must include this requirement as one of its conditions.

These requirements do not limit persons or entities from entering into an interim operating agreement for the construction of a water project pending the completion of facilities which create the water required for the operation of the project. Neither these requirements nor the interim operating agreements may interfere with or impact the availability of water needed to fulfill existing water rights and various aspects of those rights recognized under state water law.

Votes on Final Passage:
House 91 1
Senate 47 0 (Senate amended)
House 94 4 (House concurred)

Effective: July 26, 1987

Partial Veto Summary: Provisions of the bill are vetoed which would have (1) required any new water project or modification of a water project that creates a new demand for surface water from the Yakima river system include, as a part of the project, a supply of water to meet the demand created; (2) prohibited water supplied from proposals to raise the reservoir elevation of Cle Elum Lake by three feet from being used as the water required for such a project; (3) permitted certain interim operating agreements for the construction of such a project; and (4) prohibited interference with the availability of water for existing water rights. (See VETO MESSAGE)

SHB 982

C 464 L 87

By Committee on Education (originally sponsored by Representatives Fuhrman, Valle, Betrozoff, Pruitt, Holland, Ebersole, Walker, L. Smith, Nealey, Doty, Patrick, May, Brough, Ballard, Lewis, B. Williams, Padden, Allen, Cole, Rasmussen, P. King, Belcher, K. Wilson, Sprenkle, Baugher, Beck, Hargrove, C. Smith, Peery, Cooper, Taylor, Chandler, Bumgarner, Sutherland, Day, Kremen, Silver, Ferguson, Todd, Jesernig, Basich, Moyer and Winsley)

Permitting the substitution of instructional assistance as a teacher's aide for up to fifteen units of methods and teacher training requirements.

House Committee on Education
Senate Committee on Education

Background: Teachers enter the teaching profession from various backgrounds. The training requirements for individuals who have previous experience in providing instruction to children under the supervision of a certificated teacher are the same as for individuals who do not have this experience.

Summary: The State Board of Education is directed to adopt administrative rules that will allow a teacher certification candidate to substitute one year of employment as a teacher's aide for up to 15 quarter hours of methods and teacher training requirements. To allow this substitution, the candidate must have worked a minimum of 630 hours for one school year. At least 50 percent of the work as a teacher's aide must involve instructional activities with children under the supervision of a certificated teacher. The candidate must receive an evaluation by the candidate's supervising teacher and principal recommending that the work be substituted for credit.

The rules adopted by the State Board of Education on allowing experience as a teacher's aide to fulfill teacher preparation requirements must include, but not be limited to: 1) limitations on the recency of the experience as a teacher's aide; 2) limitations on the amount of work experience which may be substituted for course work; 3) requirements that application for credit and the evaluation of the candidate's experience must occur at the time of the candidate's enrollment in the teacher preparation program; and 4) provisions for allowing the institutions of higher education to make the final determination of what requirements may be met by the experience.

An advisory committee is created to assist the State Board of Education on the development of guidelines for allowing credit for experience. The advisory committee consists of representatives of the Superintendent of Public Instruction, public and private teacher preparation institutions, teachers, school administrators and principals.

Votes on Final Passage:

House	98	0	
Senate	47	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 26, 1987

SHB 984

C 347 L 87

By Committee on Commerce & Labor (originally sponsored by Representatives Baugher, Lewis, Appelwick, Patrick, Fisch, Rayburn, Vekich, C. Smith, Fisher, Sayan, Madsen, R. King and Doty)

Authorizing satellite extensions of licensed facilities for parimutuel wagering.

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

Background: Currently, persons holding licenses to conduct horse race meets may seek approval from the Horse Racing Commission to conduct the sale of parimutuel pools on in-state or out-of-state televised or simulcast races of national or regional interest. Only sales within the enclosure of the licensee's race course and during the conduct of a race meet are authorized.

Parimutuel monies from horse racing are allocated by law. Percentages of the daily gross receipts are designated for the state, the licensed race meets, and trade and agricultural fair funds. The amounts not specifically designated by law go to the bettors at the race meets. The state's share is 0.5 percent on daily gross receipts of $200,000 or less, 1.0 percent on receipts from $200,001 to $400,000 and 4.0 percent on receipts over $400,000. For exotic races, which are those involving multiple wagers, the state receives an additional 2.5 percent on races with two selections and 3.5 percent on races with three or more selections.

The licensee's share is 14.5 percent on daily gross receipts of $200,000 or less, 14.0 percent on receipts from $200,000 to $400,000, and 11.0 percent on receipts over $400,000. For exotic races, the licensee receives an additional 3.0 percent on races with two selections and 6.0 percent on races with three or more selections.

Summary: A racing association conducting a race meet under license may seek approval from the Horse Racing Commission to conduct parimutuel wagering on its program at satellite locations within the state. Satellite sales are only authorized during the licensee's race meet and simultaneous to all wagering activity conducted at the licensee's facility.

Several restrictions are placed on the location of satellite facilities: 1) the commission may approve only one satellite location in each county, but more than one licensee may use the facility; 2) a licensee may not conduct satellite wagering within 50 air miles of its racing facility; 3) a licensee conducting satellite wagering within 50 air miles of another racing facility which conducts meets of 30 days or more must use the

facility of the other licensee for its satellite and may not conduct satellite wagering while the other facility is operating; and 4) a licensee may not conduct satellite wagering while another licensee, which conducts meets of less than 30 days within 50 air miles of the satellite location, is operating. Also, the commission's authority to approve satellite wagering locations is subject to local zoning and other land use ordinances.

The state's share of the daily gross receipts from satellite wagers is 0.5 percent on a daily handle of $400,000 or less and 3.0 percent on a daily handle over $400,000. On exotic races, the state receives an additional 1.0 percent on the satellite wagers.

The licensee's share of the daily gross receipts from satellite wagers is 14.5 percent on a daily handle of $400,000 or less and 12.0 percent on a daily handle over $400,000. On exotic races, the licensee receives an additional 4.5 percent on races with two selections and 8.5 percent on races with three or more selections.

To meet its costs, the commission may collect an annual fee from a licensee for each satellite location. Amounts which the commission receives as its share of the satellite revenues shall be credited towards the fee.

The satellite wagering provisions are subject to sunset review, and expire in 1991 unless extended.

Votes on Final Passage:

House	83	10	
Senate	32	15	(Senate amended)
House	82	14	(House concurred)

Effective: July 26, 1987

HB 985

C 377 L 87

By Representatives Ferguson, Zellinsky, Winsley, Kremen, May, Betrozoff, Appelwick, Holland, Amondson, Doty, Moyer, Wineberry and Schoon

Allowing alternative education courses to be completed for reduction of automobile insurance premiums.

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

Background: Last year, the legislature adopted an act requiring automobile insurers to offer a premium discount for persons 55 years of age or older who successfully completed a motor vehicle accident prevention course approved by the Department of Licensing.

Summary: A self-instruction motor vehicle accident prevention course approved by the Department of Licensing must be made available to persons in areas where a classroom course is not offered.

Votes on Final Passage:

House	91	2
Senate	29	15

Effective: July 26, 1987

HB 992

C 356 L 87

By Representatives Todd and Nelson

Changing provisions relating to termination of utility service.

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

Background: Current law protects low income persons from having their heat cut off in the winter. However, these persons must take certain actions when notified by their utility company of overdue bills. Municipal gas utilities were not covered by these protective provisions.

Summary: Municipal gas utility customers now have the same winter heating continuity protection as customers of other utilities.

Votes on Final Passage:

House	93	0	
Senate	37	0	(Senate amended)
House			(House refused to concur)
Senate	48	1	(Senate receded)

Effective: July 26, 1987

SHB 995

PARTIAL VETO

C 482 L 87

By Committee on Housing (originally sponsored by Representatives Todd, Cantwell, Crane, Cooper, Leonard and Nutley)

Establishing a mobile home park purchase fund.

House Committee on Housing
Senate Committee on Commerce & Labor

Background: A mobile home park is a parcel of land under single ownership on which mobile or manufactured homes are located. Generally the land is rented to tenants who own their mobile/manufactured homes.

The park usually contains a certain amount of common space and common facilities for tenants. A mobile home park may have a tenant organization to negotiate with the park owner. Mobile homes have traditionally provided low cost housing for elderly and low income persons.

There is evidence that rising costs of mobile home park development and operation, plus speculative investment, have reduced the primary benefit provided by mobile or manufactured homes, namely moderate and low-cost housing. The sale of a mobile home park under these conditions may often result in an increase in rents.

The Department of Community Development is an agency created to assist in providing financial and technical assistance to the communities of the state; to assist in improving the delivery of federal, state and local programs; and to provide communities with access to opportunities for productive and coordinated development beneficial to the well-being of the communities and their residents. A significant portion of the department's efforts have focused on housing issues.

Summary: The intent of this measure is to encourage and facilitate the conversion of mobile home parks to resident ownership. This goal would be accomplished primarily through private funding of mobile home park conversions to resident ownership. These ownership conversions are intended to maintain the affordability of housing in resident owned parks for the low income, elderly, poor or infirm.

A mobile home park purchase fund is created in the office of the treasurer. The Department of Community Development (DCD) is charged with administering the program.

Loans can be made to tenant organizations for conversion costs. The loan is for the minimum amount necessary to enable the organization to purchase the park, but cannot exceed 50 percent of the conversion costs. The loan term is a maximum three years; the interest rate is a competitive rate set by DCD. Loans can be made only to tenant or resident organizations in which a significant portion are low income, elderly, poor or infirm.

Eligible tenant or resident organizations are mobile home park residents who have formed a legal entity, i.e. a nonprofit corporation, for the purpose of acquiring the mobile home park in which they live. The entity must include two-thirds of the households residing in the mobile home park at the time of the request for assistance to purchase the park. If the entire park is not sold, the park owner retains full control of that portion of the park not sold to the tenants. The department must ensure that displacement of any tenants due to the purchase will not pass on unreasonable hardship.

Loans may also be made to individuals to reduce the monthly housing costs for low income residents to an affordable level, estimated to be 30 percent of monthly income. The loan amount is for the least amount necessary to reduce the borrower's housing costs to the affordable level, but is not to exceed 50 percent of the acquisition cost of the individual's interest in the mobile home park. The maximum term is 30 years; the interest rate is to be a competitive rate set by the department.

In administering the loan program, DCD must consider, among other things, local housing programs, the reasonableness of the conversions and whether a loan is the most efficient use of the funds. The department must seek to distribute the funds statewide with a goal of at least 20 percent going to rural areas.

The Office of Mobile Home Affairs is created in DCD. The office will deal with matters relating to mobile or manufactured homes, and will promote effective use of mobile homes.

The Office of Mobile Home Affairs will provide an ombudsman service. The ombudsman will assist in the resolution of disputes between park owners and tenants, help provide access to governmental services related to the health and safety of mobile home parks and provide technical assistance in converting mobile home parks to resident ownership.

The office is also asked to develop policies and strategies to promote use of mobile or manufactured homes that will enhance the supply of safe and low cost housing in the state. The Office of Mobile Home Affairs may not address policies regarding government control of the economic return from parks to park owners.

A five-member advisory committee composed of one representative each from mobile home manufacturers, mobile home park owners, mobile home tenants, local government and the public is established. This advisory committee is to provide input to DCD regarding mobile home issues including mobile home landlord-tenant issues. The advisory committee to the Office of Mobile Home Affairs is required to have representatives of park owners and park tenants who are knowledgeable about and have experience with the Mobile Home Landlord-Tenant Act.

Votes on Final Passage:

House	74	22	
Senate	34	15	(Senate amended)
House	88	8	(House concurred)

Effective: July 26, 1987

Partial Veto Summary: Sections of the bill that prescribe the internal policies and procedures for the Mobile Home Park Purchase Fund are vetoed. The sections setting up an Office of Mobile Home Affairs and the related advisory committee are also vetoed. The legislative intent, the definitions section and the section that creates the Mobile Home Park Purchase Fund in the office of the treasurer are what remain after the partial veto. (See VETO MESSAGE)

SHB 1004

C 160 L 87

By Committee on Health Care (originally sponsored by Representatives Day, Brooks, Sprenkle, Braddock, Bumgarner, Bristow, Fisch, Moyer and Dellwo)

Extending the chiropractic disciplinary board.

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

Background: In 1983, the legislature scheduled the Chiropractic Disciplinary Board for Sunset Act review, terminating its authorization as of June 30, 1987, and repealing its authorization as of June 30, 1988.

Summary: The Chiropractic Disciplinary Board and its powers and duties are reauthorized, effective June 30, 1987. Sunset review is scheduled, with a new termination date of June 30, 1997, and repeal date of June 30, 1998.

Votes on Final Passage:

House	94	2
Senate	48	0

Effective: June 30, 1987

2SHB 1006

PARTIAL VETO

C 476 L 87

By Committee on Ways & Means (originally sponsored by Representatives Day, Lewis, Bristow, Brooks, D. Sommers, Cantwell, Vekich, Lux, Sprenkle, Bumgarner, Locke, Silver, Grimm, Braddock, Taylor, Niemi, Rasmussen, Holm, Brekke, K. Wilson, Dellwo, Winsley, Cole, Ebersole, Crane, Ballard, Doty, Heavey, Allen, Jacobsen, Holland, Scott, Rayburn, Sanders, Jesernig, R. King, Brough, P. King, May, Moyer, Spanel, Wineberry, Schoon and Ferguson)

Changing provisions relating to nursing homes.

House Committee on Health Care
House Committee on Ways & Means
Senate Committee on Ways & Means

Background: The wages paid to nursing home employees are not regulated by the Department of Social and Health Services. Most nursing home employees receive lower wages and benefits than comparable workers in hospitals or in entry level jobs in industry. In some cases, the wages are lower than established minimum need standards for public assistance clients. Turnover in nurse's aide positions is extremely high, up to 300 percent each year. Because most nursing home care is provided by nurse's aides, this high turnover rate may affect the quality of care received by nursing home patients.

Nurse's aides must receive training within six months of their employment in nursing homes. No other state standards for training and education have been established. There are also no state standards for the number of employees that are needed in relation to patient acuity levels to assure quality nursing services. Low staffing ratios place hardships on existing employees at a time when nursing homes are receiving heavier caseloads of more seriously ill and debilitated patients. These conditions exacerbate the problems resulting from high staff turnover and low morale.

If a nursing home grants wage increases, those increases are included in the nursing home's annual cost report for reimbursement the following year. Improvements that nursing homes make to buildings and related physical plants also are not reimbursed until the following year, unless the improvements are required by the department as a condition of licensure.

There is no statutory provision for placing nursing home operations into receivership. In receivership, a court appoints a person, as a trustee or ministerial officer, to represent the court and all parties in interest. The receiver's duties are to preserve and administer the facility in accordance with the law and in the interests of the residents. A receiver might be appointed in cases in which serious deficiencies in the provision of patient care present a danger to the nursing home residents.

The department may levy civil fines not exceeding $1,000 against nursing homes that violate defined standards of patient care. Nursing homes that commit repeat violations are not subject to any specific statutory provisions. A $500 civil fine may be assessed against a nursing home for retaliating against a resident who reported a violation. Fines may be paid in lump sum or installments.

Summary: Nursing homes are required to adjust and maintain a minimum hourly wage for nursing home employees as of January 1, 1988, if the legislature appropriates the funds. The Department of Social and Health Services is required, in turn, to adjust rates to nursing homes for these enhancements to wages and benefits. An "enhancement cost center" is established for the purpose of adjusting rates and those funds may not be used for any other purpose. The department is required to adopt rules providing for increased wage rates for nursing home staff.

Nursing homes may receive a prospective rate adjustment for improvements made to its building or related physical plant. To receive the prospective rate adjustment, a local health planning agency and the department must approve a proposal based on a determination that the improvement better serves the needs of nursing home residents.

A procedure is established for the department to petition the superior court to appoint, on a temporary basis, a receiver to operate a nursing home. The receiver may be appointed if there is a danger posed to residents because of deficiencies in the provision of patient care. The court is granted broad discretion to determine the duration and conditions of receivership. Receivers are given full authority to operate the facility, including staff changes and control of operating revenues, and are required to preserve the assets. Receivers must apply funds to obligations and needs most directly related to patient care. They are entitled to reasonable compensation set by the court from revenues.

Civil penalties of up to $3,000 may be assessed for violations of certain patient care standards. Facilities must be given a prior opportunity to correct the deficiency before being assessed. If the violation is serious or jeopardizes the facility's ability to provide care, the penalty may be assessed without the opportunity to correct the deficiency. A serious violation of patient care standards that is repeated within one year of the original citation constitutes a separate violation, subject to a penalty of up to $3,000. The civil fine for retaliating against a resident or a person who reports a violation is increased from $500 to $3,000. The department may require that fines be spent to ameliorate the deficiency violation.

The department is required to report to the legislature by December 31, 1987, on the effectiveness of fines.

The House Committee on Health Care will conduct a study on staffing levels in nursing homes, considering levels of patient acuity and requirements in other states. The study will include requirements for education and training of nursing assistants. The committee recommendations must be made prior to the start of the 1988 legislative session.

Legislative review and approval of nursing home bed needs established by the State Health Coordinating Council in the State Health Plan is authorized.

Votes on Final Passage:

House	92	0	
Senate	46	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 26, 1987

Partial Veto Summary: The section which would require a legislative review of determinations of need for additional nursing home beds in the state is vetoed. (See VETO MESSAGE)

SHB 1012

C 292 L 87

By Committee on Local Government (originally sponsored by Representatives Hargrove and Fisch)

Changing provisions relating to the annexation of areas by public utility districts.

House Committee on Local Government
Senate Committee on Energy & Utilities

Background: Public utility districts (PUD's) are authorized to be incorporated in all or part of a county.

A PUD may annex territory contiguous to a portion of its boundaries if the territory was not located in another PUD and if the territory was located within the annexing PUD's electrical service area by following the petition/election, resolution/election, or direct petition procedures by which cities annex contiguous territory. This contiguous area may be located in the same or a different county as the annexing PUD.

Summary: The law authorizing a public utility district (PUD) to annex contiguous territory that is in the PUD's electrical service area is altered:

The territory to be annexed must have been located within the annexing PUD's electrical service area on January 1, 1987;

An area located in another PUD may be annexed by a PUD and removed from this other PUD under the petition/election method of annexation if both boards of commissioners adopt identical resolutions stating: (1) the boundaries of the area to be annexed; (2) that the annexation is in the public interest of both the residents of the area and the residents of both districts; (3) their approval of the action; (4) the boundaries of

both PUD's after the annexation; (5) the disposition of any assets of the districts in the area; (6) the obligations to be assumed by the annexing district; (7) the apportionment of the election costs, and (8) that the voters of the area must be advised of possible lawsuits that may impose liability on the annexed territory and the possible impact of the annexation on taxes and utility rates.

The ability to annex territory under the direct petition method is removed.

The PUD annexing the area must assume responsibility to provide the area with services that were provided in the area by the PUD from which it is being withdrawn.

When territory is annexed by a PUD, the county officials of the county within which the annexing PUD is located must coordinate the duties of county officials in other counties as these duties relate to the PUD.

The possibility of a PUD including territory in more than one county is recognized for purposes of creating PUD commissioner districts.

Votes on Final Passage:

House	98	0	
Senate	49	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 26, 1987

HB 1014

C 242 L 87

By Representative Haugen

Allowing cities and towns to use local improvement districts to finance improvements for public corporations.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Cities, towns and counties are authorized to create public corporations to carry out federal programs, improve governmental efficiencies or improve the living conditions in urban areas. Under this grant of authority, Seattle has created several public corporations, including a public corporation to operate the Pike Place Market.

Cities and towns are authorized to finance a wide variety of public improvements with local improvement districts (LID's) if they are of a special benefit to the nearby property. The determination of whether an improvement confers special benefits to nearby property is a judicial test. Our state supreme court has held that a library cannot be financed with a LID because the benefits of a library are general and not special. The court in that decision cited other authorities indicating that the following may not be financed with a LID: war memorials, public auditoriums, a court house, and public school buildings.

Legislation was enacted in 1985 allowing local governments that can create LID's to jointly perform LID's, have one local government create a LID to finance another local government's public improvements, or have a local government construct or acquire a public improvement for another local government.

Summary: A finding is made that public improvements owned and operated by public corporations, which confer special benefits on property, should be able to be financed by local improvement districts (LID's). An implication is made that museum, cultural or arts facilities confer special benefit to property.

Cities and towns are authorized to use LID's to finance facilities of any value for public corporations. Cities and towns are authorized to construct facilities for public corporations that are financed by LID's, using their own work forces if the lowest bid for the work that was received exceeds the preliminary cost estimate for the project by 10 or more percent. The legal, financial and other expenses incurred by a public corporation that relate to a public improvement may be included as part of special assessment.

Public corporations are authorized to create joint LID's with local governments, have another local government create an LID for its projects and allow another local government to construct its improvements.

Votes on Final Passage:

House	93	0
Senate	26	18

Effective: July 26, 1987

HB 1016

C 381 L 87

By Representatives Dellwo and Haugen

Authorizing lien and low-income fee reduction for county fees in aquifer protection districts for water withdrawal and sewage disposal.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Legislation was enacted in 1985 allowing counties to create aquifer protection districts to finance the protection, preservation and rehabilitation of subterranean water. An aquifer protection district is created by a vote of the registered voters residing

within its proposed boundaries. Fees on the withdrawal of subterranean water, and/or on-site sewage disposal, are authorized if voters approve a ballot proposition, proposing the imposition of the fees, that specifies the maximum levels of the fees and states the purposes for which they are imposed.

Summary: A county legislative authority may reduce the level of fees imposed in an aquifer protection district on the residential property of a class or classes of low income persons.

The county will possess a lien for any delinquent fees imposed in an aquifer protection district. A lien would not attach to the property for which the charges are delinquent until 18 months after the first billing that was not paid, and until at least three billing notices and a letter explaining the lien have been mailed to the property owner.

Votes on Final Passage:

House	59	36	
Senate	45	0	(Senate amended)
House	96	1	(House concurred)

Effective: July 26, 1987

HB 1021

C 305 L 87

By Representatives Wineberry, Allen, Locke, Silver, Jacobsen, Heavey, Grimm, Niemi, Holland, Appelwick, Unsoeld, Braddock, Bristow, McMullen and Winsley

Establishing the Washington state and employers' higher educational opportunities program.

House Committee on Higher Education
House Committee on Ways & Means/Appropriations
Senate Committee on Education

Background: The Higher Education Coordinating (HEC) Board reports that of all student groups, single heads of households have the greatest unmet financial need because nearly all financial aid programs fail to consider the added expenses and special needs of this group. None of the programs fully compensates for increased maintenance costs and special daycare expenses single parents must incur in order to attend school. Most programs award single students without children the same maximum amounts as those awarded to single parents, though expenses incurred by the latter are significantly greater. The legislature, in the 1985-87 biennial budget, directed the HEC Board to redirect some of the state funds for financial aid to this group.

The Temporary Committee on Educational Policies, Structure and Management urged the state to reassess its financial aid programs to ensure they are sufficient to meet the changing needs of Washington students. The committee also urged the state to test financial aid programs targeted to specific student groups.

Summary: The Higher Education Coordinating (HEC) Board is responsible for developing a pilot program called the Washington State and Employers' Higher Education Opportunities Program. The program is designed to provide scholarships for low income working persons and single heads of households. Up to 24 private businesses are selected to provide socially and economically disadvantaged working persons a chance to improve their social and economic status through public higher education opportunities. The program encourages and permits certain employees to acquire retraining for their present jobs or new training for new careers. The program also promotes cooperation among the state, private business entities and public institutions of higher education.

The board will appoint an administrator to coordinate the pilot program and will select three businesses from each congressional district to participate. These businesses must be located in Washington state, be privately owned, have been in operation for at least three years and employ at least 10 persons. Businesses which already pay tuition and fee costs for their employees are required to maintain their previous financial commitment to those programs in addition to providing support for this program.

The board will select 50 employee scholarship winners based on recommendations from their employers. Scholarship applicants must be state residents who are unrelated to their employers and who work at least 35 hours or more per week, or the equivalent. The board will develop application procedures and guidelines for their selection and must consider at least the following factors: age, disability, income, number of dependents, family situation, need for retraining or new training, and applicant's potential for success. Academic qualifications are not the sole criterion, but recipients must have applied or be in the process of applying to their preferred institution.

Two types of scholarships are available; retraining awards for the equivalent of one academic year of full-time attendance and new training awards for promotion or career changes for the equivalent of two academic years of full-time attendance. No scholarships may exceed a total of three years of part-time attendance. A recipient must maintain a minimum cumulative grade point average of 2.50 each quarter or

semester, and is limited to receipt of one such scholarship.

To support these scholarships, the institutions will waive 50 percent of the cost of tuition and fees for the recipients if the employers provide the remaining 50 percent.

The HEC Board is required to submit a report on the scholarship program to the legislature by January 1990. The HEC Board is allocated $20,000 for the 1987–89 biennium to administer the program, which takes effect immediately and expires on June 30, 1990. The governor may transfer the program to another educational agency after consulting with the Higher Education Coordinating Board.

Votes on Final Passage:

House	93	2
Senate	49	0

Effective: May 11, 1987

HB 1027

C 126 L 87

By Representatives Amondson, Holm, Sutherland, Vekich, Rasmussen, Jesernig, Meyers, Hargrove, Basich, McMullen, Fisch, Bristow, Betrozoff, Ballard, D. Sommers, May, Fuhrman, S. Wilson, McLean, Miller, J. Williams, Winsley, Silver, P. King, Cooper, Doty and L. Smith

Providing for the sale of damaged timber from trust lands.

House Committee on Natural Resources
Senate Committee on Natural Resources

Background: The Department of Natural Resources (DNR) manages approximately 2.1 million acres of forest land. The department holds the land in trust, primarily for the benefit of the state's educational system and the counties. Timber sales from DNR–managed lands in fiscal year 1987 will total approximately 880 million board feet. Timber sale revenue averages about $110 million annually.

Holding the lands in trust means the trustee must protect, conserve and safeguard the trust assets for the benefit of the beneficiary, and use reasonable skill and care to make the trust property produce income.

When timber is damaged, it may begin to deteriorate rapidly. The deterioration causes trees to loose quality and, consequently, value. It is common for wind storms, floods or landslides to cause scattered damage on forest lands throughout the state.

Summary: The Department of Natural Resources must offer for sale damaged timber within seven months of first identifying the damaged timber. The timber must be offered for sale unless the sale would not be in the best interest of the trust for which the department manages the timber. In determining whether the sale is in the best interest of the trust, the department will consider the net timber value, and relevant social and environmental factors. Timber sales must be in the best interest of the trust.

If social and environmental factors extend the sale date, the timber will be offered for sale as soon as possible.

Votes on Final Passage:

House	92	4
Senate	48	0

Effective: April 21, 1987

HB 1034

C 428 L 87

By Representatives Fisher, Walk, Vekich, Madsen, Walker, Fisch, Spanel, Hine, H. Sommers, Jacobsen, Todd, Bristow, Cantwell, K. Wilson, Leonard, Lux, Unsoeld, Allen, Grimm, Winsley, Baugher, Nelson, Scott, Ebersole, Cole, Niemi, Sutherland, Brekke, Wang, Basich, Wineberry and P. King

Establishing the rail development account.

House Committee on Transportation
Senate Committee on Transportation

Background: For the purpose of funding public transportation systems, local governments may levy a motor vehicle excise tax of up to 1 percent which is credited against the basic state rate of 2 percent.

Summary: Transit districts in class AA counties, in class A counties contiguous to class AA counties, and in second class counties contiguous to class A counties that are contiguous to class AA counties are authorized to levy a local option motor vehicle excise tax rate up to 0.96 percent. King, Snohomish, Pierce, and Thurston counties are effected.

An amount equal to 4.2 percent of the 0.96 percent motor vehicle excise tax will produce about $5 million which is deposited in the State Rail Development Account.

Votes on Final Passage:

House	64	31	
Senate	39	8	(Senate amended)
House			(House refused to concur)

Free Conference Committee
Senate 41 4
House 84 12

Effective: July 1, 1987

SHB 1035

C 429 L 87

By Committee on Transportation (originally sponsored by Representatives Fisher, Walk, Vekich, Madsen, Walker, Fisch, Spanel, Hine, H. Sommers, Jacobsen, Todd, Bristow, Cantwell, K. Wilson, Leonard, Lux, Unsoeld, Allen, Grimm, Winsley, Nelson, Cole, Scott, Baugher, Ebersole, Niemi, Sutherland, Brekke, Wang, Basich, Wineberry and P. King)

Creating the rail development commission.

House Committee on Transportation
Senate Committee on Transportation

Background: Since 1970, the total miles of rail line in this state have declined from 5,200 to 3,600 miles. More than 1,000 miles of track have been abandoned since 1980, when federal law eased railroad abandonment procedures. Many of these abandoned rail lines served rural areas and carried primarily agricultural commodities. The abandonment of rail service has resulted in increased use of motor freight carriage on both rural county roads and on state highways.

The legislature has, since 1980, enacted several laws to address the rail freight abandonment issue. These have included authorizing the creation of county rail districts to enable local areas to support rail freight services, authorizing port districts to operate rail services, creating a state rail assistance account to provide financial aid to local rail efforts and authorizing the Department of Transportation to acquire abandoned rail rights of way in order to enhance the likelihood of the reestablishment of rail services. These programs, together with federal rail assistance, have provided limited support for retaining rail services.

State involvement with rail passenger service has largely been in planning and study efforts. The state has participated in federal studies for improved rail passenger service in the West Coast corridor with a major study being completed in 1978. Evaluations of high-speed systems in Western Washington were done by the Legislative Transportation Committee both in the early 1970s and in 1984. The most recent study recommended increased efforts to preserve rail rights of way for future rail needs, either for high-speed or light rail services.

The Puget Sound Council of Governments and METRO recently completed a Multi-Corridor Study to assess future needs for improved transportation in the Puget Sound region. That study recommended that a light rail system be implemented by the year 2020 to serve the region's transportation needs.

There have been numerous studies of specific rail freight and rail passenger needs in Washington state, and such studies have found that many efforts to enhance and/or preserve elements of rail service are worthwhile. There has not been, however, a legislatively-sponsored study to evaluate all of these elements in a comprehensive manner and to make specific recommendations as to institutional arrangements, funding programs and right-of-way preservation policies necessary to address the situation.

Summary: A 19-member rail development commission is created to examine rail freight and rail passenger issues. Rail freight issues include identification of funding levels necessary to assist local efforts and preserve essential rail corridors, and institutional changes necessary to enhance the effectiveness of state and local rail freight efforts. Rail passenger issues include light rail system development involving institutional alternatives for constructing and operating a system, interim steps for such systems, rights-of-way preservation, funding and the future role of intercity systems, both conventional and high-speed.

Sixteen members of the commission are appointed by the governor and consist of four county- and four city-elected officials, two private sector citizens from both Western and Eastern Washington and representatives of a railroad, railroad labor, the public ports association and the state transit association. Two of the appointees must be from each of the state's congressional districts. Other members include the secretary of Transportation and another departmental staff person, and the director of the Washington State Transportation Center. Four nonvoting legislative members are appointed by the chairman of the Legislative Transportation Committee.

The commission is to elect its chair and is granted powers necessary to carry out its prescribed duties. The commission may employ staff and in addition, the Legislative Transportation Committee, Washington State Transportation Center and the Department of Transportation may provide staff support.

The commission is to report its findings related to rail freight to the legislature by December 1, 1987. Passenger rail findings are to be reported by December 1, 1988, with an interim report in December 1987. The commission is dissolved on June 30, 1989.

Votes on Final Passage:

House	73	23	
Senate	45	3	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	41	6	
House	87	10	

Effective: June 25, 1987

HB 1049

C 373 L 87

By Representatives Heavey, Patrick, P. King, Padden, Schoon, Todd and May

Authorizing either breath or blood tests for alcoholic content.

House Committee on Judiciary
Senate Committee on Judiciary

Background: The state's driving while intoxicated (DWI) law currently defines three separate ways of committing the crime of driving while under the influence. A person is guilty of DWI if he or she drives: (1) with 0.10 grams of alcohol per 210 liters of breath; (2) while under the influence of alcohol or drugs; or (3) while under the combined influence of alcohol and drugs.

These three standards operate independently of one another. That is, violation of any one of the three is sufficient for a conviction for DWI.

Prior to 1986, the first of these standards was defined as 0.10 percent by weight of alcohol in the driver's blood.

Summary: A fourth definition of driving while intoxicated (DWI) is provided. A person is guilty of DWI if he or she drives with 0.10 percent by weight of alcohol in his or her blood.

Votes on Final Passage:

House	96	0	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	49	0	
House	95	2	

Effective: July 26, 1987

SHB 1065

C 450 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Locke, Madsen, Ballard, Dellwo, McMullen, Silver, Braddock, Nealey, Armstrong, B. Williams, H. Sommers, McLean, Peery, Belcher, Hine, Grant, Walk, Day, Patrick, Niemi, Holland, Miller, May, Kremen, R. King, Fuhrman, Betrozoff and Jesernig)

Providing for the establishment of an automatic fingerprint identification system.

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

Background: The Washington State Patrol Identification and Criminal History Section (WASIS) is the state repository for criminal records. WASIS is currently based on a series of special programs run on IBM and TRANS-A-FILE (TAF) computers. The TAF computer cannot handle recent workload increases and is rapidly approaching the end of its useful life. It has already twice outlived its life expectancy. The state patrol has requested a new computer system to replace the failing TAF computer.

The state patrol currently uses a manual fingerprint classification and search method. This method is labor intensive and subject to frequent error. The method is only useful to compare crime scene fingerprints, referred to as latent fingerprints, with fingerprints of possible suspects. Until a suspect has been identified, latent fingerprints are virtually useless because there is no efficient way of checking fingerprints on file with those found at a crime scene.

Automated fingerprint identification systems (AFIS) are available that can store fingerprint information and can compare a latent fingerprint from a crime scene to those fingerprints on file. Unlike the manual system currently in use, AFIS can produce a list of possible suspects based on latent fingerprints. AFIS can also be used to obtain background information on criminal suspects, criminals awaiting sentencing and others who are required to have criminal background investigations.

In 1986, the legislature appropriated $25,000 to the state patrol and authorized the patrol to develop and implement a plan for an AFIS. The patrol was required to procure the most efficient system available. Following an extensive Request For Proposal (RFP) process, which included performance testing of systems, the AFIS manufactured by NEC Corporation was selected by the patrol. NEC systems are currently

used in the states of California and Alaska and the cities of San Francisco and Los Angeles.

The City of Tacoma and Pierce County have purchased an AFIS from Morpho Inc. King County voters approved the purchase of an AFIS in the November 1986 election and the King County Council recently voted to purchase the AFIS from NEC.

Washington state is eligible to receive $849,000 from the Criminal Justice Block Grant program of the federal Bureau of Justice Assistance. Local governments will receive $479,000 of this grant. Local governments have waived their right to this money in order that it be used to purchase an AFIS. The Department of Community Development is responsible for administering the grant.

Local law enforcement agencies are required to photograph and fingerprint all persons, except juveniles, arrested for felonies and gross misdemeanors. Fingerprints are to be furnished to the state patrol. Juveniles may only be photographed and fingerprinted with consent of the juvenile court, except that a law enforcement agency may fingerprint and photograph a juvenile arrested for a felony. If the arrest is found to be unlawful, the prints and photograph are removed from the record.

Summary: $5,451,000 is appropriated from the General Fund–State to the Washington State Patrol (WSP) to establish and operate an automated fingerprint identification system (AFIS), including remote tenprint and latent input systems and remote terminals. The General Fund appropriation is reduced by the amount of any grants from the Federal Bureau of Justice Assistance.

WSP is to develop rules and criteria to determine which local jurisdictions are eligible to receive remote systems or terminals. One remote system is to be located in eastern Washington and one in western Washington, provided that the local jurisdiction in western Washington pays 30 percent of the system's purchase cost. At least 12 remote terminals are to be located throughout the state.

Recipients of remote systems or terminals must pay all personnel, operating, installation and maintenance costs associated with the terminals and systems, including the costs of transmitting data to the system. Recipients must also make the terminal or system available to other local law enforcement agencies.

No local law enforcement agency may establish or operate an AFIS if it is not compatible with the state system. Counties or local agencies that signed a contract to purchase an AFIS before January 1, 1987 are exempt from this requirement. The state patrol is required to charge exempted local jurisdictions for the costs of processing latent fingerprints submitted by these jurisdictions to the patrol.

The state patrol is required to adopt rules concerning submission of fingerprints from persons for license application or other noncriminal purposes. The state patrol may charge local agencies a fee that covers the costs of processing such fingerprints. Fingerprints of juveniles arrested for felonies and gross misdemeanors are also to be submitted to the state patrol. The state patrol is authorized to keep fingerprints and other identifying information about juvenile offenders whose records are otherwise sealed or destroyed by court order or agency action.

Votes on Final Passage:

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

Effective: July 26, 1987

HB 1067

C 143 L 87

By Representatives Unsoeld, Belcher, Jacobsen, Lux and H. Sommers

Revising actuarially equivalent options for public retirement allowances.

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

Background: A member of the Public Employees' Retirement System (PERS), Plan I and Teachers' Retirement System (TRS), Plan I is eligible to receive a service retirement allowance equal to 2 percent of his or her average final compensation times the number of years of service. Average final compensation is figured over the two highest consecutive years of employment. Members eligible for retirement select the manner in which their retirement benefit is to be paid from three options which are calculated to be actuarially equivalent to each other:

Option 1. The member receives his or her full retirement allowance until death. If he or she dies before the retirement allowance payments equal the amount of the member's accumulated contributions, then the balance is paid to the person designated by the member.

Option 2. The member receives a reduced retirement allowance, which upon his or her death is continued throughout the life of, and paid to, the person designated by the member.

Option 3. The member receives a reduced retirement allowance, which upon his or her death is

reduced by one half and continued throughout the life of, and paid to, the person designated by the member.

PERS I and TRS I do not provide cost–of–living adjustments (COLAs). PERS II and TRS II provide an automatic COLA tied to the consumer price index (maximum annual increase of 3 percent).

A 1984 nationwide study of teachers retirement benefits ranked TRS I fifth in the U.S. on the basis of initial benefits. Another study showed that the benefit formula for PERS is more generous than the benefit formula for public employees in 31 states. Only two states had benefit formulas more generous than that of PERS.

Summary: A fourth option is added to the manner in which retirement benefits can be paid to eligible members of Public Employees' Retirement System (PERS), Plan I and Teachers' Retirement System (TRS), Plan I. Under this option members may add an annual cost–of–living adjustment (COLA) to the retirement allowance provided by any of the three current options. The COLA, indexed to the Consumer Price Index (Seattle) may not exceed 3 percent. The cost of the COLA is offset by making an actuarial reduction in the amount of the member's retirement allowance.

Votes on Final Passage:

House	91	0
Senate	49	0

Effective: July 26, 1987

SHB 1069

C 185 L 87

By Committee on Commerce & Labor (originally sponsored by Representatives Unsoeld, Hankins, Allen, Miller, Silver, K. Wilson, Belcher, Hine, Winsley, Fisher, Haugen, Nutley, Leonard, Cantwell, Spanel, Rust, Valle, Rayburn, Holm, Niemi, Brekke, Scott, H. Sommers, L. Smith, Walker, Doty, Rasmussen, Cole, Patrick, P. King and Jesernig)

Eliminating obsolete references to workmen's compensation.

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

Background: Various places in Washington laws refer to the state's industrial insurance system as the "workmen's compensation" system. There has been no systematic removal of this obsolete reference from the code.

Summary: Throughout the Washington laws, references to "workmen's compensation" are changed to "workers' compensation." References to "workmen" are changed to "workers."

Votes on Final Passage:

House	97	0
Senate	44	0

Effective: July 26, 1987

HB 1087

C 468 L 87

By Representatives Locke, May, Schoon and Niemi

Changing requirements for property tax exemptions for arts organizations.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: All real and personal property owned or leased which is used exclusively for production and performance by non–profit associations engaged in musical, dance, artistic, dramatic or literary works is exempt from property taxes. In order to qualify for this exemption these non–profit associations must receive a "substantial" part of their resources from governmental funds or from contributions by the general public.

A further qualification requires that the property must be irrevocably dedicated to the purposes for which the exemption was granted. Rented or leased properties are an exception to this qualification but still must be used exclusively for production and performance of musical, dance, artistic, dramatic or literary works in order to receive a property tax exemption.

Summary: The exemption for rented or leased property is altered. Rented or leased properties do not have to be irrevocably dedicated to qualifying purposes in order to receive the tax exemption. However, the terms of the lease or rental agreement must indicate the non–profit organization receiving the benefit of the exemption.

Votes on Final Passage:

House	89	7
Senate	46	3

Effective: July 26, 1987

HB 1090

C 433 L 87

By Representatives Jacobsen, Miller, Hine and P. King

Exempting from taxation certain nonprofit organizations involved with student loans.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: Nonprofit organizations are subject to business and occupation tax and property taxes unless they have a particular statutory exemption. Some organizations which receive full or partial exemptions are: accredited educational institutions, social service organizations, and governmental entities. Organizations which guarantee student loans or issue debt to finance student loans are subject to property and business and occupation taxes.

Summary: Organizations which guarantee student loans or issue debt to finance loans are specifically exempted from property and business and occupation taxes.

Votes on Final Passage:

House	97	0
Senate	46	0

Effective: July 26, 1987

SHB 1097

C 446 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Ballard, Jacobsen, D. Sommers, Schoon, Winsley and P. King)

Continuing reciprocal tuition and fee programs.

House Committee on Higher Education
House Committee on Ways & Means/Appropriations
Senate Committee on Education

Background: In 1983, legislation was adopted which authorized the Council for Postsecondary Education to enter into reciprocal tuition and fee waiver agreements with Idaho and British Columbia. These agreements are similar to an agreement which the state already has with Oregon. That agreement allows the waiver of the nonresident tuition and fees for border area residents of each state who attend higher education institutions of the neighboring state.

Legislation governing the Idaho agreement required all Washington higher education institutions to waive the nonresident portion of tuition and fees for Idaho residents to the extent permitted by an agreement with Idaho that granted Washington residents reciprocal waivers. It further required a biennial payment between Washington and Idaho whenever the loss of one state's revenue exceeded that of the other by more than $25,000 a year. Legislation governing the British Columbia agreement involved only the four-year public institutions, and required that a balanced exchange of enrollments be considered. The council was required to review costs and benefits of each agreement and make recommendations to the legislature on their continuation or termination by January 1987. The authority to enter into reciprocal agreements with Idaho and British Columbia expires on June 30, 1987.

The Higher Education Coordinating Board, which replaced the council in 1985, has recommended that authority for continuing these reciprocal agreements with Idaho and British Columbia be granted, and that the board be required to report by January 1989 on all authorized reciprocity agreements and on the extent to which each agreement meets educational objectives contained in Washington's master plan.

Summary: Termination dates for reciprocal tuition and fee agreements with Idaho and British Columbia are repealed and obsolete sections of law are deleted.

The community colleges are permitted to waive the nonresident tuition differential for students from British Columbia attending a community college as part of a reciprocal tuition agreement.

Votes on Final Passage:

House	97	0	
Senate	49	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 30, 1987

SHB 1098

C 274 L 87

By Committee on Natural Resources (originally sponsored by Representatives Haugen, S. Wilson, Jacobsen and Beck)

Requiring an agreement with the federal government for the exchange of certain tidelands on the Olympic peninsula.

House Committee on Natural Resources
Senate Committee on Natural Resources

Background: Keystone Spit, on Whidbey Island, lies immediately south of the ferry terminal at Keystone near the Fort Casey State Park. A portion of the privately-owned spit includes 1.3 miles of no-bank

waterfront on the western shores of the island. This property abuts Crockett Lake, a marshy tidal area used by Seattle Pacific University for classroom purposes.

The National Park Service manages the nearby Fort Ebey National Historical Reserve. It has identified Keystone Spit as fourth out of 18 in importance for acquisition under its "preservation priorities" plan.

Owners of the spit want to sell the property.

In 1967, the legislature created the Seashore Conservation Area (SCA) which includes property along the western part of the Olympic Peninsula. Management of the SCA is performed by the State Parks and Recreation Commission. The purpose of the SCA is to preserve the coastline for public outdoor recreation.

Summary: If the federal government acquires the parcel of land known as the Keystone Spit on Whidbey Island, the Parks and Recreation Commission is required to enter into a land exchange with the federal government. The Department of Natural Resources (DNR) currently owns the tidelands proposed for exchange, though the Parks and Recreation Commission manages them. If the state and the federal government agree to exchange the tidelands for Keystone Spit, DNR will give a quit claim deed to the Parks and Recreation Commission for the tidelands. The Parks and Recreation Commission will exchange with the federal government state-owned tidelands adjacent to the Olympic National Park. The exchange will exclude tidelands within the boundaries of Indian reservations.

In making the exchange, the state waives any requirement that the exchanged parcels be of equal value and that the Parks and Recreation Commission approve the exchange.

Any conveyance document must specify that clam digging and fishing will continue on the tidelands. It will further state that the National Park Service will consult with the Parks and Recreation Commission prior to making any changes in rules or management direction.

Authority for the exchange expires July 31, 1988.

Votes on Final Passage:

House	97	0	
Senate	40	8	(Senate amended)
House	97	0	(House concurred)

Effective: July 26, 1987

HB 1123

C 257 L 87

By Representatives Walk, Schmidt and Baugher

Directing moneys from the grade crossing protective fund to the motor vehicle fund.

House Committee on Transportation
Senate Committee on Transportation

Background: The Utilities and Transportation Commission biennially requests an appropriation for the installation or upgrading of signals or other warning devices at grade crossings. For the past two biennia federal funds have been available for most grade crossing projects, allowing state savings. The state pays 10 percent of state project costs and 1 percent of local project costs. The 1987–89 appropriation request is for $320,000 which will leave a projected balance of $1,331,000.

Summary: The excess balance of $1,331,000 in the Grade Crossing Protective Fund is transferred to the Motor Vehicle Fund.

Votes on Final Passage:

House	92	0
Senate	40	0

Effective: July 26, 1987

SHB 1128

C 265 L 87

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives H. Sommers, Niemi, Allen, Miller, Rust, Basich, Sayan, Bristow, Rayburn and Winsley)

Revising the calculation of retirement benefits of part-time teachers.

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

Background: The Teacher's Retirement System (TRS) covers teachers and other certificated school employees. TRS, Plan I allows part-time employees to earn proportional service credit; it is the only state retirement system which does so. Part-time employees in TRS II and the other Plan II systems receive no service credit unless they work more than 90 hours a month.

Prior to 1984, the TRS benefit formula had an unintended negative impact on all TRS I members who worked on a part-time basis during the years

which were used to calculate their retirement allowance. Generally, those members received retirement allowances which were less than proportionate to the allowances they would receive had they worked full-time. For example, a teacher who retired after a career of working half-time at half the regular salary received one-quarter of the retirement allowance that he or she would have received for full-time work over the same period.

In 1984, TRS I was amended so that part-time school district (K-12) teachers could have their benefit calculated using an artificial full-time salary rather than the part-time salary actually received. The intent of the 1984 change was to provide those K-12 teachers who regularly worked on a part-time basis with a retirement allowance that was proportional to their part-time service. Part-time counselors, librarians and community college faculty were not covered by the 1984 change.

Summary: The Teacher's Retirement System (TRS), Plan I is changed so that TRS I members who are school district librarians and counselors, and community college faculty, including librarians and counselors, who have worked on a part-time basis may receive retirement allowances proportionate to the allowances they would have received had they worked full-time. Thus, a member who retires after working half-time at half the regular salary should be able to receive one-half of the retirement allowance that he or she would have received for full-time work over the same period. To be eligible to receive this increased allowance, the retiree must have served in an instructional position where more than 75 percent of his or her work was spent in classroom instruction, which may include formally scheduled office hours, or as a counselor or librarian.

In order to ensure that no member is allowed to use the hypothetical "full-time salary" to unfairly inflate the member's retirement allowance, eligibility criteria are provided and the Department of Retirement Systems is granted the broadest possible rule-making authority.

The legislature may amend or revoke the new benefit provided by the act as to members who have not yet retired.

Votes on Final Passage:

House	91	0
Senate	45	0

Effective: July 26, 1987

SHB 1132

C 501 L 87

By Committee on Trade & Economic Development (originally sponsored by Representatives Jesernig, Hankins, Brooks, Vekich, Baugher, Todd, Jacobsen, Unsoeld, Cantwell, Sutherland, Grant, Hine, Rasmussen, Holm, Belcher, Wineberry, Hargrove, Beck, Schoon, Braddock, Amondson, McMullen, Moyer, Rayburn, Locke, Dellwo, Ebersole, Grimm, Prince, Miller, Nealey, P. King, Basich, Ferguson and Spanel)

Providing for diversification of economy of Tri-Cities.

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

Background: The Hanford Nuclear Reactor is scheduled to cease plutonium production in the mid-1990s. The United States Department of Energy issued a study predicting that 19,780 jobs would be lost statewide in the event of a shut down. According to the study, Hanford jobs account for about 27 percent of all non-farm jobs in the Tri-Cities area, 45 percent of the non-farm payroll and 75 percent of the Tri-Cities' industry labor base.

Summary: The Department of Trade and Economic Development, in conjunction with the Department of Community Development, will study the state's role in the economic diversification of the economy of the Tri-Cities area. The study will focus on: higher education capabilities; methods of utilizing the Tri-Cities economic development assets to diversify the economy; methods of addressing the economic development liabilities of the area; potential markets for Tri-Cities services and products; the availability of potential funding sources; federally-developed technology transfer to the commercial arena; and the development of a diversification plan.

Relevant local, state and federal agencies must be consulted during the study process. The department will submit a final report to the legislature by January 1, 1988.

Votes on Final Passage:

House	92	0	
Senate	49	0	(Senate amended)
House	96	0	(House concurred)

Effective: May 19, 1987

HB 1137

C 282 L 87

By Representatives Locke, Niemi and Jacobsen

Exempting low-income housing owned or operated by certain public corporations from excise tax.

House Committee on Ways & Means/Revenue
Senate Committee on Ways & Means

Background: An excise "in lieu" of property taxes is assessed on any public corporation, commission or authority created by a city, town or county to carry out federal grant programs. These public corporations, commissions or authorities have the same immunity from property taxation as a city, town or county except for the obligation to pay the "in-lieu" tax. The tax is equal to the amounts which would be paid upon real and personal property if the property were in private ownership. The only exemption from the "in-lieu" tax is granted to property listed on the federal or state register of historical sites.

Summary: Property owned or operated by a public corporation that is used primarily for low-income housing is exempted from paying the "in-lieu" tax. In addition, "low income" is defined as 50 percent of the median income as determined by the U.S. Department of Housing and Urban Development in a standard metropolitan statistical area (SMSA). For non-SMSA areas, "low income" is defined as 50 percent of the median income of the county as determined by the Washington State Department of Community Development.

Votes on Final Passage:

House	96	0	
Senate	49	0	(Senate amended)
House	96	1	(House concurred)

Effective: July 26, 1987

SHB 1156

C 461 L 87

By Committee on Trade & Economic Development (originally sponsored by Representatives Vekich, Schoon and Cantwell)

Revising distressed area requirements in the community revitalization team program and the development loan fund program.

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

Background: The legislature established the Community Revitalization Team program and the Development Loan Fund program in the Department of Community Development in 1985 to assist communities in their responses to economic dislocation. The Community Revitalization Team program provides a coordinated state response to the problems of economically distressed communities. The program also assists local communities in developing strategies for economic renewal. Participating state agencies include the departments of Community Development, Trade and Economic Development, Employment Security and the Commission for Vocational Education.

The Development Loan Fund program utilizes federal Community Development Block Grant funds to make grants to local governments for loans to businesses in economically distressed areas of the state. The repayments of the principal and interest on loans made by local governments to businesses are repaid to the Development Loan Fund to be utilized again. A seven-member committee reviews and approves applications to the program. Projects must be in a distressed area, be expected to increase or maintain employment and have benefits accruing to residents of the distressed area.

Summary: The definition of distressed area regarding the Community Revitalization Team program is expanded to include communities or areas which have experienced long-term and severe loss of employment or the erosion of their economic base due to the decline of dominant industries.

The Development Loan Fund program is expanded so that the program may be utilized in areas of the state which are not economically distressed. Assistance offered under the program must result in job creation or retention. The Development Loan Fund Committee must make at least 80 percent of appropriated funds available to projects in distressed areas. Funds shall not be made available to projects located in areas not designated distressed if the Development Loan Fund's net worth is less than $7.1 million.

If objections are raised to projects seeking financing by the Development Loan Fund on the basis of unfair business competition, the Development Loan Fund Committee must evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

If Development Loan Fund monies in a biennium are not fully expended, up to 20 percent of the funds reserved for distressed areas will be made available to local governments that operate existing economic

development revolving loan funds in distressed areas. Economic development revolving loan funds are defined as local, not–for–profit or governmentally–sponsored business loan programs. The grants will be utilized to make loans to businesses meeting the specifications for loans under the Development Loan Fund enabling legislation. To the extent possible under federal law, the local government will convey the principal and interest on payments from outstanding loans made by the economic development revolving loan funds to the Development Loan Fund in order to permit additional grants to local governments.

The Development Loan Committee is directed to develop performance standards for judging the effectiveness of the program. Standards will include examining the effectiveness of the program in regard to: job creation for low income individuals; job retention; creation of new employee opportunities; local economic diversification; establishment of employee cooperatives and assistance to employee buy–outs; and the degree of risk assumed by the Development Loan Fund, with an emphasis on loans which did not receive financing from commercial lenders, but which are financially sound.

The Development Loan Fund Committee is directed to report to appropriate legislative standing committees on the development of performance standards by January, 1988.

Votes on Final Passage:

House	94	0	
Senate	44	0	(Senate amended)
House	98	0	(House concurred)

Effective: May 18, 1987

SHB 1158

C 386 L 87

By Committee on Commerce & Labor (originally sponsored by Representatives Wang, Schmidt, Zellinsky, Vekich, Fisch, J. Williams and Ferguson)

Establishing a liquor license for qualified duty free exporters to sell beer and wine to vessels for consumption outside the state of Washington.

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

Background: SALE OF BEER AND WINE BY SHIP CHANDLERS. A license is required to sell beer and wine in the state. Currently, there is no license authorizing ship chandlers to sell beer and wine to vessels for consumption outside the state.

PROCEDURES FOR SALE OF LIQUOR. Under present law, licensed liquor manufacturers wholesalers are not permitted to extend credit to licensed liquor retailers. The limitation on the extension of credit pertains to the sale of both liquor and nonliquor products.

SALE OF FORTIFIED WINE. For purposes of the Liquor Control Board provisions, "wine" means any alcoholic beverage obtained by fermentation of fruits or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, which contains not more than 24 percent of alcohol by volume.

A class F license authorizes a retailer to sell wine for consumption off the premises.

CLASS I SPECIAL OCCASION LICENSE. A class I liquor license authorizes a class H licensee to sell liquor to members and guests of a society or organization on special occasions at a location other than the class H licensed premises. The licensee must obtain approval from the Liquor Control Board for each special occasion event at which the class I license will be used.

When the board receives a request to use a class I license, the board must notify the chief executive officer of the incorporated city or town or the county legislative authority, whichever is applicable. Each local government has 10 days from the receipt of the notification to file written objections to the proposed use of the class I license.

Summary: SALE OF BEER AND WINE BY SHIP CHANDLERS. A new class S ship chandlers liquor license is created, which authorizes qualified duty free exporters to sell beer and wine to vessels for consumption outside the state.

To qualify for an exporter's license, the exporter shall have a basic permit issued by the U.S. Bureau of Alcohol, Tobacco, and Firearms, a customs house license in conjunction with a common carriers bond, a customs bonded warehouse or the ability to operate from a foreign trade zone and a notarized signed statement from the purchaser stating that the product is for consumption outside the state.

The fee for the license is $100 per year. Beer and wine sold and delivered to licensed exporters shall be considered exported from the state.

SALE OF BEER AND WINE. The Liquor Control Board may by rule establish procedures for the sale of nonliquor products by licensed persons, in accordance with normal commercial practices as defined in the retail sales tax provisions.

SALE OF FORTIFIED WINE. The definition of "wine" is separated into "table wine" and "fortified

wine." "Table wine" is wine containing less than 14 percent of alcohol by volume. "Fortified wine" is wine containing 14 percent of alcohol or more by volume, but does not include wines that are sealed or capped by cork closure and aged two years or more or wine containing 14 percent alcohol or more by volume solely as a result of the natural fermentation process. Wine does not need to be labeled as "table" or "fortified" wine.

Class F licensees in counties with a population over 300,000 (King, Pierce, Snohomish, and Spokane), shall receive a restricted class F license, authorizing the sale of table wine only, if the Liquor Control Board finds that the sale of fortified wine would be against the public interest. In determining the public interest, the board shall consider at least the following factors: 1) the likelihood that the applicant will sell fortified wine to intoxicated persons; 2) law enforcement problems that may arise in the vicinity of the applicant's establishment; and 3) whether the sale of fortified wine would be detrimental to or inconsistent with a government-operated or funded alcohol treatment or detoxification program.

State liquor stores in counties with a population over 300,000 are also prohibited from selling fortified wine if the sale would be against the public interest. For both class F licensees and state liquor stores, the burden of establishing that the sale of fortified wine would be against the public interest is on those persons objecting.

CLASS I SPECIAL OCCASION LICENSE. The provision that the city, town or county in which a proposed class I special occasion event will be held have 10 days to object to the use of the license is deleted.

Votes on Final Passage:

House	92	0	
Senate	44	4	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	36	3	
House	93	3	

Effective: May 15, 1987

SHB 1160

C 424 L 87

By Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Patrick, Prince, P. King, Doty and D. Sommers)

Implementing a pilot program to study road and maintenance project costs.

House Committee on Transportation
Senate Committee on Transportation

Background: There has been continuing discussion and controversy regarding how to most effectively expend public funds used for roadway construction and maintenance projects. In 1986, the Legislative Transportation Committee authorized a study to identify a reasonable, equitable method for comparing the public and private sector costs of roadway construction and maintenance projects.

The study examined the accounting methodology and project costing techniques currently used by contractors and public agencies and made recommendations to improve the decision-making process for roadway construction and maintenance activities.

The study recommended that a pilot project be conducted involving selected volunteer cities, counties and the Department of Transportation utilizing the project cost evaluation methodology (PCEM). The entities would use PCEM to determine whether a particular project should be done in-house or contracted out, regardless of who had done the work historically.

Summary: A pilot program utilizing the project cost evaluation methodology (PCEM) is created. The Legislative Transportation Committee shall select, from those entities wishing to participate, cities and counties representative of the various demographic and geographic components of this state. The Department of Transportation (DOT) shall select a portion of a district or districts to participate in the program.

The pilot program shall consist of two parts: the "preferred approach" and the "shadow approach." The participating cities and counties will utilize the preferred approach which will involve evaluating the projects and following through with either in-house or contracted out performance of the projects. DOT will utilize the shadow approach and evaluate the projects and make a determination of which projects would have been performed in-house or contracted out had it been operating under the preferred approach.

In order for the selected local governments to fully participate in the program, the application of bid and day labor limits to them are suspended for the duration of the pilot program. All reasonable, direct costs to the local governments generated by their participation will be reimbursed through a special studies appropriation that is funded from the cities' and counties' share of fuel tax revenues. No public employee shall be displaced or terminated as a result of the pilot program.

The department and the participating cities and counties shall report to the legislature on or before

February 15, 1990. This pilot program shall expire on June 30, 1990.

Votes on Final Passage:

House	94	2	
Senate	36	0	(Senate amended)
House	96	2	(House concurred)

Effective: July 26, 1987

HB 1180

C 137 L 87

By Representatives Brough and Winsley

Providing residency for certain students who attended Washington high schools and enroll in a public institution of higher education within six months.

House Committee on Ways & Means/Appropriations
Senate Committee on Education

Background: Current law establishes criteria for determining residency status for purposes of paying college tuition. One of the distinctions is the difference between students who are dependent on parents for financial support and those who are financially independent. A financially independent student who has established a permanent "domicile" or home in the state for at least a year before starting college is a resident student, as long as they established that home for purposes "other than educational." A dependent student is a resident if one or both of the student's parents or legal guardians have maintained a permanent home in the state for at least one year before the student begins college.

Longtime Washington residents who move to another state or country while leaving behind dependent children to attend high school and college in this state, may find their children classified as nonresident students. As nonresidents, the students must pay the higher tuition rate.

Summary: For the purpose of paying tuition, the statutory definition of a resident student is expanded to include any student who has spent at least three-fourths of his or her junior and senior years in Washington high schools. A student in this category must enroll in a public college or university within six months of leaving high school. The student will maintain this resident status for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year.

Votes on Final Passage:

House	91	6
Senate	43	0

Effective: July 26, 1987

HB 1185

C 255 L 87

By Representative Appelwick

Specifying the order for the deduction of levy rates of junior taxing districts to meet limitations imposed by law.

House Committee on Ways & Means/Revenue
Senate Committee on Governmental Operations

Background: The constitution and state laws place several restrictions on property taxes.

Laws establish the maximum tax rate that each taxing district may impose. These rate limitations are expressed in terms of a dollar value per $1,000 of assessed valuation, except that the state's rate is a dollar value per $1,000 of assessed valuation adjusted to an equalized value.

Current law places a cumulative rate limitation on most of the regular property tax levies of most taxing districts at $9.15 per $1,000 of assessed valuation that may be imposed on any property. The relative status of the various taxing districts has been established so that the senior taxing districts (counties, road districts, cities and towns and the state for educational purposes) are permitted to impose their tax levies before the remaining taxing districts (referred to as junior taxing districts) impose their tax levies. Different status levels have been established for the regular property tax levies of various junior taxing districts. If the requested rates of tax levy exceed this $9.15 limit on any property, levy rates of the junior taxing districts are reduced or eliminated to remain within this ceiling. The reduction or elimination occurs on the lowest status districts before the next highest are affected.

Summary: The relative status of tax levies and taxing districts is clarified and altered for junior taxing districts from least seniority to most seniority: (1) park and recreation districts, park and recreation service areas and cultural arts districts; (2) flood control zone districts; (3) all other junior taxing districts (except fire districts, hospital districts, library districts and metro park districts); (4) the second and third $.50 property tax levies of fire districts; and (5) hospital districts, library districts, metro park districts and the first $.50 levy of fire districts. The status of cemetery districts is lowered from the highest status to one below the second and third $.50 tax levies of fire districts.

Votes on Final Passage:
House 94 0
Senate 43 1

Effective: July 26, 1987

SHB 1197

C 413 L 87

By Committee on Ways & Means (originally sponsored by Representatives Grimm, Holland, Ebersole, Betrozoff, Taylor, Cole, Hine, Bristow, Brough, Dellwo, Brekke, Rayburn, Wang, Jacobsen, P. King, Nelson, Todd, Unsoeld and Locke)

Revising provisions governing school capital projects.

House Committee on Ways & Means
Senate Committee on Ways & Means

Background: The Common School Construction Fund provides state matching grants for eligible school district construction projects, as administered by the State Board of Education. Currently, the revenue source for this fund is income from school trust lands managed by the Department of Natural Resources—primarily timber sales and leases of property. Since the 1983–85 biennium, timber revenues for this fund have been at approximately half the level reached in 1979–81, first as a result of defaults on timber contracts and then as a result of lower bids on new timber sales. At the same time, anticipated enrollment growth and aging facilities have increased local school district demand for state construction monies.

For both years of the 1985–87 biennium, eligible school construction projects have exceeded the funding capacity of the Common School Construction Fund. A backlog has developed which, as of April 1987, totalled $314 million in unfunded projects which already have both State Board of Education approval and local matching funds. New projects will be added to this backlog as school districts continue to pass bond levies to raise the local share of construction costs. By comparison, the school trust land revenue is projected to provide only $95 million for school construction during the 1987–89 biennium.

State matching funds for school construction projects are distributed according to rules adopted by the State Board of Education. These rules determine funding eligibility for projects and are based upon a maximum cost per square foot recognized for matching purposes. As of July 1986, this cost per square foot was $75.10 for new construction.

Summary: This measure is contingent on voter approval of the constitutional amendment in House Joint Resolution 4220.

An additional state property tax for school construction would be collected for 15 years beginning with calendar year 1988, at a rate of 35 cents per $1,000 of true and fair value.

Portions of the proceeds of this additional state property tax are to be used to increase the principal of the Permanent School Fund, an endowment fund generating interest earnings for school construction projects, as follows: 10 percent of the proceeds in calendar years 1988 through 1992, 40 percent of the proceeds from 1993 through 1997, and 90 percent of the proceeds from 1998 through 2002.

Remaining proceeds of the additional state property tax would be deposited in the Common School Construction Fund to provide matching funds for school construction projects.

Any rule changes by the State Board of Education which could potentially increase state costs for school construction projects would have to be expressly ratified by the legislature in a capital appropriations bill. By statute, the maximum recognized project cost per square foot is set at the same level currently established in State Board of Education rules ($75.10 per square foot, adjusted for inflation). Districts will not qualify for new buildings simply as a result of redesignating their current facilities' grade level spans within the past five years, unless the State Board of Education finds that the district's needs can not be met through modernization or replacement of facilities.

Votes on Final Passage:
House 90 7
Senate 33 16 (Senate amended)
House 91 6 (House concurred)

Effective: July 26, 1987

HB 1199

C 361 L 87

By Representative P. King

Designating appropriate individuals to receive service of process.

House Committee on Judiciary
Senate Committee on Judiciary

Background: The initiating party in a lawsuit is generally required to serve legal papers ("service of process" or "summons") on the other party. Service of process must be made on the person or official designated by statute. For a county, service must be made on the

county auditor; for a city or town, against the mayor; and for a school district, against the superintendent. For a company or corporation not otherwise specifically covered by particular provisions, service of process must be made against the president or other head of the company or corporation, or against one of several other named persons. Recent court decisions hold that substantial compliance with these procedures is not sufficient. Personal service must be made on the person designated by statute. Leaving the summons in the designated person's office does not suffice.

Summary: Several changes are made with respect to the person or official upon whom service of process may be made. For a county, the summons may be delivered to the auditor or left in his or her office with a deputy auditor. In an action against any town or incorporated city, the summons may be delivered to the mayor or city manager, or, during normal office hours, to a designated staff person or the city clerk. In an action against a school or fire district, the summons may be delivered to the superintendent or commissioner, or left in the office with an assistant or business manager. If the action is against a company or corporation not otherwise covered, delivery of the summons may be to the president or other head of the company or corporation, or to any one of a number of specified persons including registered agents, cashiers, assistants or secretaries.

Votes on Final Passage:

House	98	0	
Senate	46	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 26, 1987

HB 1204

C 131 L 87

By Representatives Locke, Niemi, Armstrong, Patrick, Wineberry, P. King and Holm

Establishing multiple incidents of sexual abuse as an aggravating circumstance for an exceptional sentence.

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

Background: The Sentencing Reform Act of 1981 (SRA) established a presumptive and determinate criminal sentencing law for the state. The act also created the Sentencing Guidelines Commission (SGC) to oversee the administration of the law.

The SRA provides a grid of presumed sentences for felony convictions based on the statutory ranking of crimes as to their seriousness and the criminal history of offenders. The presumptive sentence is a range of prison time within which the judge is to set the defendant's actual term of confinement. The judge may impose an exceptional sentence outside the presumptive range under certain statutorily prescribed circumstances. Exceptional sentences must be supported in writing by the judge and are subject to appeal by either the prosecution or the defense.

In 1986, the legislature specifically requested that the commission recommend changes in the criminal law with respect to sex offenders who have committed multiple offenses. The commission is to present its recommendations to the 1987 Legislature.

Summary: If the prosecution can prove by a preponderance of the evidence that a defendant has sexually abused the same child (under 18) repeatedly over a prolonged time, then the judge may impose an exceptional sentence above the standard range.

Votes on Final Passage:

House	96	0
Senate	48	0

Effective: July 26, 1987

HB 1205

PARTIAL VETO

C 516 L 87

By Representatives Grimm and P. King

Providing for the distribution of funds from the water quality account using extended grant payments.

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

Background: The 1986 Legislature established the Water Quality Account to provide financial assistance to state and local governments for the planning, design, acquisition, construction and improvement of water pollution control facilities and related activities.

As a part of the 1986 legislation, the Office of Financial Management was directed to prepare a state financial assistance plan including recommendations regarding a revolving loan fund, criteria for equitable fund distribution based on current and future household sewage rates, an assessment of the future capital funding ability of local governmental entities and the feasibility of state and local debt service agreements.

The financial assistance plan was completed January 1, 1987. One of the recommendations of the plan was to provide annual grants where a local agency arranges financing for a project and the state pays its

share over an extended period of time. The advantage of this method is the reduced requirements for state cash initially, thereby allowing more projects be undertaken in the near term. This concept is a generalized version of a debt service agreement where the annual grant payment can be used by the local agency in their bond prospectus when selling bonds. This does not mean there is a direct linkage between the state and the local entities bondholders.

Summary: The Department of Ecology is authorized to enter into contracts with local jurisdictions which provide for extended grant payments. The payments must be in equal annual amounts not to exceed, on a net present value basis, 50 percent of the eligible cost of the project.

The duration of such extended grant payments is not more than 20 years.

Any moneys appropriated by the legislature from the water quality account must first be used to satisfy the conditions of the extended grant contracts. Sole-source aquifers will receive assistance in the form of a 50 percent matching grant.

Votes on Final Passage:

House	97	0	
Senate	41	1	(Senated amended)
House	95	0	(House concurred)

Effective: July 26, 1987

Partial Veto Summary: The subsection specifying that sole-source aquifers receive a 50 percent matching grant is vetoed. (See VETO MESSAGE)

SHB 1221

PARTIAL VETO

C 7 L 87 E1

By Committee on Ways & Means (originally sponsored by Representatives Locke and Grimm)

Revising the 1987-89 omnibus appropriations act.

House Committee on Ways & Means

Summary: The 1987-89 omnibus appropriations act.

Votes on Final Passage:

First Special Session

House	81	9	
Senate	28	19	(Senate amended)
House			(House refused)

Free Conference Committee

Senate	39	8	
House	80	14	

Effective: July 1, 1987

Partial Veto Summary: (See VETO MESSAGE)

HB 1228

PARTIAL VETO

C 458 L 87

By Representatives Armstrong, McMullen and P. King

Changing provisions relating to criminal penalties for, criminal sentences for, education regarding, and treatment for alcohol and substance abuse.

Senate Committee on Judiciary

Background: Under the Sentencing Reform Act of 1981, criminal sentences for felony convictions generally include a presumptive sentence of some prison or jail time. In order to deviate from a presumptive sentence, a judge must demonstrate exceptional mitigating or aggravating circumstances. For certain first time offenders, however, alternatives to prison or jail are provided on other than an exceptional basis. A defendant may qualify for first time offender status only if he or she has no prior felony convictions and is not being charged with a sex offense or a violent offense.

Under the state's liquor law, it is generally illegal to give liquor to a person under the age of 21. Exceptions exist for medicinal purposes, religious services and parental permission.

Under the state's drug laws, penalties for selling narcotic drugs are doubled if the buyer is a minor and the seller is an adult and at least three years older than the buyer.

Beer retailers currently pay an annual license fee of from $150 to $300. These fees and others contribute to the Liquor Revolving Fund which is used for a number of research, scientific, educational and social programs.

Group medical insurance plans are required to provide coverage for the treatment of alcoholism.

Summary: Offenders convicted of selling, delivering or manufacturing narcotic drugs are not eligible for first time offender status under the sentencing reform act.

It is made a class B felony to provide a person with a controlled substance that results in the user's death.

Minors who are allowed by their parents to drink alcohol may do so only in their parents' presence and may not do so in a tavern or cocktail lounge regardless of parental permission. Any alcohol consumed by a minor in connection with religious services must be minimal.

It is made a class C felony: (1) to involve a minor in an unlawful drug transaction; (2) knowingly to rent or lease a building for the purpose of manufacturing or selling illegal drugs; (3) knowingly to allow a building used for illegal drug activity to be fortified to prevent law enforcement entry; or (4) to use a building which has been specifically designed to suppress law enforcement entry for illegal drug activity.

The drug laws are changed to remove the requirement that an adult seller of narcotic drugs be at least three years older than a minor buyer before a doubling of the criminal penalties for the offense occurs.

Annual license fees for beer retailers are raised by $55. The additional revenue is to be used for substance abuse programs in kindergarten through third grade.

Group medical insurance plans are required to provide coverage for the treatment of all substance abuse, not just alcoholism.

The provisions creating a drug awareness program in kindergarten through third grade take effect July 1, 1987, and provisions relating to drug dependency medical insurance coverage take effect January 1, 1988.

Votes on Final Passage:

House	98	0	
Senate	46	0	(Senate amended)
House	84	0	(House concurred)

Effective: July 26, 1987
January 1, 1988 (Sections 13 – 20)

Partial Veto Summary: The partial veto removes two provisions from the act. First, it removes a technical provision that is duplicated in another bill previously enacted. Second, the veto delays the implementation of the public schools' substance abuse program to coincide with the implementation of the funding to pay for the program. (See VETO MESSAGE)

HB 1239

FULL VETO

By Representative Grimm

Expanding duties of the Economic and Revenue Forecast Council to include human services caseload forecasting.

Background: To assist with the managing of social programs and for establishing program funding levels, the Department of Social and Health Services (DSHS) produces forecasts of caseloads to be served. These forecasts generally cover two year periods of time. Different models and forecasting techniques are used to predict the numbers of people seeking services. Program administrators, in conjunction with central DSHS budget office staff, work together to determine the assumptions used to generate the anticipated numbers of people to be served in each program. The Office of Financial Management (OFM), Forecasting Division, then reviews these forecasts prior to their release to the legislature. The forecasted caseloads are usually available in November just prior to the release of the Governors' Biennial Budget on December 20 of each even numbered year. The caseload forecasts are generally updated once and sometimes twice before a final legislative budget is adopted. The timing of the forecast updates do not correspond well with legislative analysis and budget decision making.

Since fiscal year 1980, actual caseloads (primarily Title 19, which is Income Assistance, Medical Assistance and Nursing Homes) have far exceeded forecasted caseloads. The underestimating of caseloads has resulted in the need for supplemental appropriations and/or the imposition of reduced grant payments and/or services to clients and families to allow the affected programs to continue operating without exceeding available funding.

Summary: The Economic and Revenue Forecast Council is required to approve all state caseload forecasts. The secretary of the Department of Social and Health Services is to employ a caseload forecast supervisor. After an initial three-year term, the supervisor's continued employment is approved or disapproved by the Forecast Council. The caseload forecast supervisor is to prepare on a quarterly basis, subject to the approval of the Economic, Revenue and Caseload Forecast Council: (1) An official state caseload forecast, (2) An unofficial state caseload forecast based on optimistic caseload projections, and (3) An unofficial state caseload forecast based on pessimistic caseload projections. Caseload is defined as meaning the number of persons expected to meet eligibility requirements or require services from Aid to Families with Dependent Children, Community Mental Health, the Involuntary Treatment Act, Medicaid, Nursing Homes, state correctional institutions, state mental hospitals, developmental disabled, juvenile offenders and any other state-funded programs as determined by the council.

The governor may designate two people to serve in lieu of his two appointees to the Economic and Revenue Forecast Council when the council is dealing with issues directly related to caseload forecasts. The administrator of the Legislative Evaluation and Accountability Program Committee may request from

the caseload supervisor any alternative caseload forecasts based on assumptions specified by the administrator.

State agencies affected by caseloads are required to submit caseload reports and data to the council as soon as such information is available.

Votes on Final Passage:

First Special Session		
House	94	0
Senate	30	15

FULL VETO: (See VETO MESSAGE)

HJM 4000

By Representatives Walk, Schmidt, Baugher, D. Sommers, Sutherland, Meyers, J. Williams, Heavey, S. Wilson, Grimm, Fisher, Betrozoff, Haugen, May, Dellwo, Ferguson, Gallagher, O'Brien, K. Wilson, Kremen, Spanel, Cooper, Grant, Cantwell, Holm, Rayburn, Fisch, Miller and Hankins

Requesting Congress to enact a continuing Surface Transportation Assistance Act.

House Committee on Transportation
Senate Committee on Transportation

Background: Funding for federal-aid highway programs expired on October 1, 1986, having been last authorized by Congress under the four-year Surface Transportation Assistance Act of 1982. Although these programs are funded from the Federal Motor Fuel Tax and other highway user fees dedicated to the Federal Highway Trust Fund, these dedicated funds could not be distributed to the states until the programs were reauthorized by Congress.

Separate authorization bills were approved by each house of Congress last fall. A conference committee, convened to resolve the differences between the two bills, became deadlocked over several controversial issues and failed to reach agreement.

The failure of Congress to reach agreement on an authorization bill delayed the distribution of approximately $13 billion of federal highway funds for Federal Fiscal Year (FFY) 1987. Washington state was to receive over $250 million of federal highway funds for FFY 1987.

The concern was that if the state did not receive its federal highway funds by this spring, it could have lost the 1987 construction season for highway projects funded with federal funds. This would have delayed for one year the start of planned highway rehabilitation, capacity expansion and safety projects. The most notable delay would have been in the completion of the I-90 project in the Seattle area.

Other impacts of further congressional delay would have included: the delay for one year of $11 million of county and city road work; the loss of 4,400 jobs and $250 million in economic activity in the state; the loss of funds to provide vehicles for the transportation of elderly and handicapped persons; and the delay of construction and/or increased costs of the Seattle bus tunnel.

Summary: The memorial urged Congress to take immediate action to secure passage of a multi-year Surface Transportation Assistance Act.

NOTE: A new Surface Transportation Assistance Act was passed by Congress on April 2, 1987, and Washington state has received its federal highway funds.

Votes on Final Passage:

House	95	0
Senate	47	0

SHJM 4023

By Committee on Energy & Utilities (originally sponsored by Representatives Jesernig, Hankins, Brooks, Baugher, Grant, Bristow, Nelson, Brekke, Unsoeld, Rust, Walker, Pruitt, Jacobsen, Sprenkle, Rayburn, Wineberry, Todd, B. Williams, C. Smith, Crane, Schoon, Winsley, Doty, Spanel, Silver, Hine and Holm)

Petitioning Congress to pursue the cleanup and disposal of radioactive wastes at Hanford.

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

Background: National defense activities involving nuclear materials have been ongoing on the Hanford Reservation for over 40 years. A consequence has been the accumulation of substantial quantities of radioactive wastes, some of which are very hazardous. These wastes currently are in non-permanent storage and, accordingly, pose a potential threat to future generations. There are hazardous chemical wastes as well as radioactive wastes in non-permanent storage, posing a similar threat.

Summary: Congress is asked to pursue cleanup of the Hanford Reservation by appropriating sufficient funds on a continuing basis as recommended by the Washington State Nuclear Waste Board and the Northwest Citizens Forum on Defense Waste. This

congressional action should include consideration of establishing a defense waste trust fund.

Votes on Final Passage:

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

Effective: July 26, 1987

HJM 4028

By Representatives Schmidt and Walk

Opposing efforts to increase federal fuel taxes for deficit reduction.

Background: The state of Washington relies heavily on state and federal user fee revenues to build and maintain a system of highways, roads and streets, and the state ferry system. For over 80 years, the "user fee" concept has dedicated fuel and transportation–based taxes to the construction and maintenance of our nation's highway and transportation facilities. The establishment of the federal Highway Trust Fund in 1956 confirmed the relationship between fees collected from highway users and the subsequent dedication of these revenues to meet state transportation construction and rehabilitation needs.

In 1982, the federal fuel tax was increased to 9 cents per gallon, all of which is earmarked for transportation expenditures. At the time, the increase was accepted by the states as part of a partnership to develop a national transportation network. However, ensuing delays and reductions in the apportionments of Highway Trust Fund monies to the states have jeopardized this federal–state relationship. As a result, 27 states considered legislation to change their motor fuel tax structure in an effort to supplement dwindling federal highway funds in 1986.

Efforts are now being made in Congress to increase federal fuel taxes to reduce the federal deficit. This move is considered by the states to be an unwarranted and unprecedented diversion of a traditional transportation funding source.

Summary: The memorial declares that efforts currently underway by Congress to increase federal fuel taxes to reduce the federal deficit is an unwarranted diversion of a traditional revenue source for transportation programs. The memorial also strongly opposes any effort to increase the current fuel tax level for deposit in the General Fund, and any effort to increase such taxes at all in the absence of full expenditure of current Highway Trust fund receipts.

Votes on Final Passage:

House	87	0
Senate	43	5

HJR 4212

By Representatives Fisher, S. Wilson, Fisch, Pruitt, Amondson, Barnes, Leonard, Sanders, K. Wilson, Haugen, Patrick, Ballard, Silver, Grimm, Brooks, Madsen, Walk, Rayburn, Belcher, Nelson, O'Brien, Sayan, Armstrong, Crane, McMullen, Nutley, Chandler, Schmidt, Betrozoff, J. Williams, Walker, Gallagher, Zellinsky, Nealey, Allen, Winsley, Miller, Hankins, Hine, Brough, C. Smith, Lux, Meyers, Taylor, May and Ferguson

Lengthening legislative terms.

House Committee on Constitution, Elections & Ethics
Senate Committee on Governmental Operations

Background: The state's constitution establishes the length of the terms of office for members of the legislature. Members of the House of Representatives serve two–year terms and members of the Senate serve four–year terms. Every two years, one–half of the members of the Senate are to stand for election.

Summary: The state's constitution is amended. The term of office for a member of the Senate is extended to six years. A person elected to the House of Representatives will serve a four–year term unless the person resigns or seeks other legislative office.

Procedures are established for staggering the terms so that, as nearly as possible, one–half of the members of the House and one–third of the members of the Senate will be elected every two years.

At the general election held in November 1988, the candidate for the House receiving the greatest number of votes in each representative district will be elected to a four–year term and the winning candidate with the second highest number of votes will be elected to a two–year term, and thereafter for a term of four years. Elections of House members will be conducted in November of even–numbered years unless changed by law.

Senatorial districts will be divided into three groups: the first group consisting of every first district; the second, of every second district; and the third, of every third district. For senators elected in 1988, those from the first and second groups will serve four–year terms and those from the third group, six–year terms. For senators elected in 1990, those from the first group will serve four–year terms and those from the second

and third groups, six–year terms. Thereafter all will be elected to six–year terms.

Votes on Final Passage:

House	78	20
Senate	33	16

HJR 4220

By Representatives Grimm, Holland, Ebersole, Betrozoff, Cole, Taylor, H. Sommers, Bristow, Hine, Rayburn, Brough, Wang, Jacobsen, Dellwo, Brekke, Nelson, Holm, Rasmussen, C. Smith, Todd, Unsoeld and Locke

Providing funds for school construction.

House Committee on Ways & Means
Senate Committee on Education

Background: The state's constitution establishes two funds which are dedicated to support for school construction. The Permanent Common School Fund is a "permanent and irreducible" endowment which generates interest earnings for school projects or for financing state bonds for schools. The Common School Construction Fund is derived primarily from state timber sales and leases of school trust lands, as administered by the Department of Natural Resources, and it provides cash for school projects. Since the 1983–85 biennium, timber revenues for this fund have been at approximately half the level reached in 1979–81, first as a result of defaults on timber contracts and then as a result of lower bids on new timber sales. At the same time, anticipated enrollment growth and aging facilities have increased local school district demand for state construction monies.

For both years of the 1985–87 biennium, eligible school construction projects have exceeded the funding capacity of the Common School Construction Fund. A backlog has developed which, as of April 1987, totalled $314 million in unfunded projects which already have both State Board of Education approval and local matching funds. New projects will be added to this backlog as school districts continue to pass bond levies to raise the local share of construction costs. By comparison, the school trust land revenue is projected to provide only $95 million for school construction during the 1987–89 biennium.

Summary: A constitutional amendment will be submitted to the voters in November 1987, to allow an additional state property tax levy for school construction to be exempted from the current 1 percent constitutional limitation on regular property taxes. The additional state property tax exempted in this manner may not exceed 35 cents per $1,000 of true and fair value, and may not be imposed for more that 15 years. Any proceeds of such a levy which are dedicated to the Permanent Common School Fund are included in the "permanent and irreducible" principal of that fund, generating interest for school construction projects. The state could no longer issue bonds financed by the interest earnings from the Permanent Common School Fund.

Votes on Final Passage:

House	86	11	
Senate	33	16	(Senate amended)
House	86	11	(House concurred)

Effective: July 26, 1987

HCR 4401

By Representatives Jacobsen, Nelson and P. King

Extending the joint select committee on telecommunications.

House Committee on Energy & Utilities

Background: Divestiture of the American Telephone and Telegraph Company, initiated by the federal government, began a massive change in the telecommunications industry. The change has continued to the present time. A special committee exclusively devoted to telecommunications was deemed necessary to cope with the magnitude and number of impacts. The need continues at least through the end of the 1987 legislative session.

Summary: The Joint Select Committee on Telecommunications, its staff and budget are continued through the 1987 regular legislative session and until June 30, 1987. The current chair and members will continue. The Speaker of the House of Representatives will fill the one current vacancy.

Votes on Final Passage:

House	95	0
Senate	47	0

HCR 4404

By Representatives Sutherland, Peery, Cooper, Nutley, L. Smith, S. Wilson, Heavey, Day, Fisch, Bristow, O'Brien, Fisher, R. King, Schmidt, Walk, Brough and Todd

Acknowledging the accomplishments of Senator Al Henry for the State of Washington.

House Committee on Transportation

Background: Senator Al Henry served forty years in the Washington State Legislature and gave his full support to improving our state highway, bridge and transportation systems.

The effort to rename the Wind River Bridge on State Route 14 between Stevenson and White Salmon after former Senator Henry began in Skamania County when a number of citizens made their wishes known to various elected officials.

The naming of bridges and highways is the prerogative of the Washington State Transportation Commission. Commission officials have indicated that a legislative resolution supporting the renaming of the bridge is desired.

Summary: The Washington State Transportation Commission is directed to begin proceedings to change the name of the Wind River Bridge in Skamania County to the Senator Al Henry Bridge.

Votes on Final Passage:

House	97	0
Senate	46	0

SHCR 4407

By Committee on Natural Resources (originally sponsored by Representatives Sayan, Jacobsen, Basich, Unsoeld, Vekich, Sutherland, Fisch, Todd, Hargrove, Allen, Haugen, Appelwick, Meyers, Belcher, Locke, Fisher, Scott, Kremen, Ferguson, Sanders, Wang, Walk and S. Wilson)

Creating joint committee on marine and ocean resources.

House Committee on Natural Resources
Senate Committee on Natural Resources

Background: The United States Department of the Interior is preparing to start a leasing process for oil and gas exploration off the coast of Oregon and Washington. A legislative and executive response to the leasing process is necessary to provide the state's input into the leasing process.

Summary: The legislature recognizes: 1) the unique marine environment and Washington's active interest in marine resources and ocean policy; 2) that the marine sector plays a vital role in Washington's economy; 3) that the federal role in ocean and marine development policy has grown significantly while state and local government funding has been curtailed; and 4) that responsibility is disbursed among numerous state agencies, making a coordinated effort necessary to provide an adequate response to the federal government.

A Joint Select Committee on Marine and Ocean Resources is established to review existing state and federal law, survey public and private information, develop a timeline of pending decisions and make recommendations to the legislature. The select committee will regularly report to the legislature and its committees on the planned federal 1989–91 off–shore oil and gas leasing policies.

The select committee: 1) will consist of eight members, two members from the majority party and two members from the minority party of the Senate selected by the President of the Senate, and two members from the majority party and two members from the minority party of the House of Representatives, selected by the Speaker of the House of Representatives; 2) is encouraged to establish an advisory group to include representatives of state agencies, local government, institutions of higher education and the tribal nations; 3) may receive gifts, grants and endowments from public and private sources; and 4) is encouraged to coordinate its information gathering with appropriate standing committees of the Washington State Senate and House of Representatives, the National Conference of State Legislatures, the Council of State Governments, the Western State Legislative Conference and other quasi–governmental entities that are concerned with marine resources.

Authority for the joint select committee expires June 30, 1989.

Votes on Final Passage:

House	96	1
Senate	49	0

HCR 4418

By Representatives Wang, Patrick, Cole, Miller, Hine, Allen, R. King, Brough and Grimm

Creating a select committee on employment and the family.

Background: The growth in two wage–earner families, single parent families and working women, among other factors, has prompted an examination of employment policies to better accommodate families.

Current law addresses leave from employment for family matters in a limited way. The federal Pregnancy Discrimination Act requires employers to treat pregnancy like any other disability for purposes of employee benefits. At the state level, a Human Rights Commission rule requires employers to grant leave for

the period of pregnancy disability. Also, the Commission's rule requiring accommodation to handicapped workers may require an employer to grant leave to an employee with a health condition under certain circumstances. Otherwise, such issues as employee leave from work for the birth or adoption of a child or health condition of the employee are governed by personnel policies or collective bargaining agreements.

Summary: A select committee on employment and the family is created. The committee will consist of 12 members, 3 from each caucus appointed by the President of the Senate and 3 from each caucus appointed by the Speaker of the House. The committee is directed to consider issues including but not limited to parental and family leave, medical leave, child care, flexible time and job sharing.

The committee must submit a report, with any findings and recommendations the committee deems necessary, to the Senate and the House by January 15, 1988. An advisory committee may be established to assist in the development of the report, to consist of representatives of labor, business, women's interests, day care and other appropriate groups.

Votes on Final Passage:

First Special Session		
House	84	10
Senate	36	5

SSB 5001

C 322 L 87

By Committee on Judiciary (originally sponsored by Senators Talmadge and Halsan)

Revising the judicial council.

Senate Committee on Judiciary
House Committee on Judiciary

Background: A main function of the Judicial Council is to coordinate the judiciary, the Legislature and the Bar Association with regards to administrative issues. Some of its duties include reporting annually to the Governor and the Legislature with recommendations from the Council as to organizational changes in the judicial department, the courts or in judicial procedure.

It has been suggested that the efficacy of the Judicial Council has been diminished due in part to its cumbersome size.

Summary: The composition of the Judicial Council is changed from 37 members to 13 members. Staff from the Administrator for the Courts will be available to assist the Council.

The duties of the Judicial Council are clarified such that it will receive recommendations from justices, judges, public officials, lawyers and the public to amend current law as to those amendments which affect the administration of justice. In considering the recommendations, the Judicial Council will examine the common law and statutes of the state and relevant judicial decisions. Changes in current law may be proposed by the Judicial Council as the changes affect the administration of justice.

RCW 43.131.308 is repealed by this act.

Votes on Final Passage:

Senate	48	0	
House	60	35	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Conference Committee

House	71	23
Senate	44	0

Effective: July 26, 1987

SB 5002

C 186 L 87

By Senators Talmadge, Metcalf and Halsan

Revising provisions relating to the commission on judicial conduct.

Senate Committee on Judiciary
House Committee on Judiciary

Background: In the 1980 general election, voters approved Article IV, Section 31 of the State Constitution, which established a new procedure for the discipline and involuntary retirement of state court judges. The central feature of the amendment was the creation of a Judicial Qualifications Commission to process complaints against judges and to make recommendations to the Supreme Court for discipline or involuntary retirement. That central feature is still intact; however, in November 1986, Washington voters passed an amendment to Article IV, Section 31, which expanded the membership of the Commission to nine, with four of the members being nonlawyers. The purpose of this legislation is to conform state law to the Washington State Constitution.

Summary: The name of the Judicial Qualifications Commission is changed to Commission on Judicial Conduct and court commissioners and magistrates are added to its jurisdiction. The Commission is increased to nine members, with the addition of two nonlawyer members. Proposed and adopted rules are submitted to the Washington State Register for publication.

Any fact–finding hearings conducted by the Commission, a subcommittee of the Commission, or a master appointed by the Commission are open to the public. If a recommendation is adopted by the Commission that a judge or justice be removed, that person shall be suspended with salary until a final determination is made by the Supreme Court.

Votes on Final Passage:

Senate	46	0
House	94	1

Effective: April 25, 1987

SB 5008

C 211 L 87

By Senator Moore

Revising provisions relating to property tax payments made by check.

Senate Committee on Governmental Operations

House Committee on Ways & Means/Revenue

Background: No specific statutory provision designates to whom a check for property taxes should be made payable. Checks, in some cases, can be made to the individual occupying the office of treasurer.

Summary: Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer (or other appropriate office) of _____ County." The appropriate county name is to be inserted in the blank. A tax statement may not include a suggestion that checks be made payable to the individual holding the office responsible for collecting taxes.

Votes on Final Passage:

Senate	40	0	
House	94	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: January 1, 1988

SB 5009

C 31 L 87

By Senators McDermott, Smitherman, Warnke, Garrett, Lee, Rasmussen, West and Moore

Exempting outpatient dialysis facilities from property taxation.

Senate Committee on Ways & Means
House Committee on Ways & Means

Background: In order to reduce expenses of nonprofit human service facilities, real and personal property of nonprofit day care centers, free public libraries, orphanages, homes for the aged, homes for the sick or infirm, and hospitals for the sick are exempt from property taxation.

Summary: The real and personal property of nonprofit outpatient dialysis facilities are exempt from property taxation. This exemption applies to owned and leased equipment.

Votes on Final Passage:

Senate	44	0
House	95	0

Effective: July 26, 1987

SB 5010

C 13 L 87

By Senators Halsan and Zimmerman

Recodifying the statute on legislative terms of office.

Senate Committee on Governmental Operations
House Committee on Constitution, Elections & Ethics

Background: When the official commencement of each senator's and representative's regular term of office was incorporated into statute in 1981, it was contained in the omnibus redistricting act. This provision was one of several to be codified in a new chapter of the Revised Code of Washington, separating it from such other general provisions as the date for commencement of regular sessions.

Summary: The section of law declaring that the regular term of each senator and representative shall commence on the second Monday in January following the date of election is recodified in the chapter dealing with general provisions for the Legislature. An obsolete effective date is removed.

Votes on Final Passage:

Senate	46	0
House	96	0

Effective: July 26, 1987

SB 5013

C 228 L 87

By Senators Garrett, Zimmerman and Halsan

Permitting counties and cities to vacate public roads and streets abutting water under certain circumstances.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: Cities and towns have the authority to surrender the public right of way in streets and alleys. This procedure is called a "vacation." Following a street or alley vacation, the property reverts to the private use of the abutting landowners. When, however, a street or alley abuts a body of water, cities and towns may vacate the right of way only to acquire the property for the use of the public. The property must then be used only for port purposes, boat moorage or launching sites, park, viewpoint, recreational or educational purposes, or other public uses.

This restriction against vacations does not apply to water–abutting rights of way in property zoned for industrial use.

It is suggested that cities and towns should be enabled to vacate rights of way abutting bodies of water that are not suitable for the public acquisition and use now required.

Summary: Cities and towns are authorized to vacate streets and alleys abutting bodies of water without acquiring the property for public use. The city legislative authority must declare, by resolution, that the public right of way is not presently being used as a street or alley and is unsuitable for port purposes, beach or water access, boat moorage or launching sites, park, public view, recreational or educational purposes, or other public uses. In addition to the existing authorization for the vacation of right of way to acquire the property for the use of the public, a city or town may vacate streets or alleys abutting water to implement a previously adopted plan to provide comparable or improved public access to the same shoreline.

Before adopting a resolution vacating a street or alley, the city or town must compile an inventory of all rights of way that abut the same body of water that is abutted by the street or alley sought to be vacated. A study must be conducted to determine suitability for public acquisition and use. Finally, a public hearing must be held.

A vacation is not effective until the fair market value has been paid for the street or alley that is vacated. Moneys received by the city or town must be used only for acquiring additional beach or water access, public view sites, or boat moorage or launching sites.

Votes on Final Passage:

Senate	41	1	
House	57	41	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 26, 1987

SSB 5014

C 36 L 87

By Committee on Energy & Utilities (originally sponsored by Senators Williams, Owen, Stratton, Warnke, Smitherman, Wojahn, DeJarnatt, Bailey, Saling, Talmadge, Garrett, Bauer, Rasmussen, Tanner and Moore)

Providing for weatherization of residences of low-income persons.

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

Background: Weatherizing a home to decrease its energy use typically saves about $3 for every $1 spent. The comfort and health of residents also is improved. Each year about 6,000 homes of low-income families in Washington are weatherized, using federal and utility funds. The state has a waiting list of about 34,500 families, and existing funding sources are decreasing. About 135,000 families are eligible for the weatherization program.

The Governor's Power Washington Committee has allocated $12 million to establish a low-income weatherization fund. Using matching funds, as many as 25,000 homes eventually could be weatherized under the program.

Summary: The low-income weatherization fund is created as an account in the state treasury. Money from the fund can be spent only by legislative appropriation.

The Department of Community Development is authorized to solicit proposals from utilities, landlords, and others to use money from the fund for low-income weatherization. The Department is authorized to require matching funds and is directed to allocate money to achieve as great savings as possible. A rented home cannot be weatherized without permission of the owner, and the Department shall ensure that the benefits accrue primarily to the tenant.

Votes on Final Passage:

Senate	45	2	
House	97	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: April 13, 1987

SB 5015

C 3 L 87

By Senators Halsan, Talmadge, Newhouse and West; by request of Statute Law Committee

Revising terminology regarding municipal courts.

Senate Committee on Judiciary
House Committee on Judiciary

Background: There currently remain in the RCW isolated references to police judges and police courts, which are now obsolete. There are also some substantive provisions regarding municipal courts which were, as a practical matter, superseded by the Court Improvement Act of 1984.

Summary: References to police judges and police courts are changed to municipal judges and municipal courts. Isolated substantive provisions and other obsolete statutory language relating to such courts are

repealed if they deal with matters addressed in the Court Improvement Act of 1984. For example, a provision requiring the chief of police to prosecute violations of city ordinances before a police judge is repealed.

Votes on Final Passage:
Senate 45 1
House 91 8

Effective: July 26, 1987

SB 5017
PARTIAL VETO
C 202 L 87

By Senators Talmadge, Newhouse, Halsan and West; by request of Statute Law Committee

Revising terminology relating to district courts.

Senate Committee on Judiciary
House Committee on Judiciary

Background: There remain in the RCW a number of outdated references to justices of the peace and justice courts. In addition, there are a number of provisions inconsistent with rules adopted by the Supreme Court governing district courts, as well as other language relating to district courts which is either archaic, outdated, or superseded.

Summary: Archaic or superseded language in the RCW relating to district courts is deleted or modified. References to justices of the peace and justice courts are changed to district judges and district courts, and references to inferior courts are changed to courts of limited jurisdiction. In addition, references to constables are changed to deputies.

Votes on Final Passage:
Senate 46 0
House 95 0

Effective: July 26, 1987

Partial Veto Summary: Two sections revising superseded language are deleted. These provisions are contained in SB 5015, which the Governor approved earlier. (See VETO MESSAGE)

SB 5019
C 33 L 87

By Senators McCaslin and Lee

Permitting excess levies to assist the creation of sewer and water districts to be less than one dollar and twenty–five cents per one thousand dollars of assessed value.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: The first step in the creation of a new sewer or water district is the presentation of a petition, signed by voters who support the proposed district, to the county legislative authority. If approved, the proposition goes to a vote within the proposed district. Two questions appear on the ballot. The first question calls for voters to decide whether the district should be formed. The second question is whether an excess property tax levy should be approved. The excess levy, appearing on the ballot as a request for $1.25 per thousand dollars of assessed value, is to cover the new district's startup costs.

Though the district formation proposition commonly passes, the excess levy often fails. It is suggested that an excess levy would have a greater chance of passage if a lower rate could appear on the ballot.

Summary: The excess property tax levy proposition called for in sewer and water district formation elections is allowed to be less than $1.25 per thousand dollars of assessed value. The amount of the excess levy is to be specified in the petition that commences the formation process.

Votes on Final Passage:
Senate 46 0
House 97 0

Effective: July 26, 1987

SSB 5022
C 5 L 87

By Committee on Ways & Means (originally sponsored by Senators Tanner, Newhouse, Halsan, Saling, DeJarnatt, Deccio, Smitherman, McDermott, Gaspard, Fleming, Warnke, Vognild, Garrett, Lee, Bauer, Talmadge, Stratton and Moore; by request of Department of Community Development)

Appropriating moneys for projects recommended by the public works board.

Senate Committee on Ways & Means

House Committee on Ways & Means/Appropriations

Background: The 1985 Legislature created a Public Works Board (RCW 43.155, ESSB 4228 and SHB 461) to finance repair and reconstruction of infrastructure facilities throughout the state. Before the Board can sign loan agreements, the Legislature must approve a prioritized list of projects. The Board must also submit to the Legislature a report describing each project (purpose, amount of funding, terms and conditions) and documenting the need and fiscal capacity of the city, county or special district applying for the loan.

The Legislature cannot change the priority ordering nor can it add projects.

Summary: $17,525,006 is appropriated for 36 projects.

$7.8 million for projects approved in 1986 (Chapter 291, 1986 legislative session) are reappropriated.

Appropriation: $17,525,006 is appropriated from the public works assistance account.

Votes on Final Passage:

Senate	45	0
House	97	0

Effective: March 18, 1987

SSB 5024

C 362 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Talmadge, Warnke, Smitherman and Moore)

Requiring advertising by contractors to carry the contractor's registration number.

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

Background: Current law requires building contractors to register with the Department of Labor and Industries. A surety bond and liability insurance are prerequisites to registration. Contractors must display registration numbers in telephone directories, on advertisements and all materials prepared to solicit business. Any person having a claim against the contractor for damages arising out of the contracting project may bring a lawsuit against the contractor's surety bond.

The requirement for displaying the contractor registration number in advertising is similar to the requirement for auctioneers.

Summary: The contractor registration number shall be included in all advertising, as follows: (1) Alphabetized listings in the telephone book; (2) other directories; (3) on–premise signs; (4) signs on motor vehicles; and (5) radio and TV.

Penalties for violating the requirements shall not be assessed for inadvertent errors. A contractor may not falsify a registration number and use it in an advertisement. Applicants with unsatisfied final judgments or complaints shall be denied registration. The maximum fine for a violation is increased from $1,000 to $5,000. The surety bond company shall be named as party to a suit involving a bond it issued.

Votes on Final Passage:

Senate	34	2	
House	98	0	(House amended)
Senate	38	5	(Senate concurred)
Senate			(Senate refused to concur on reconsideration)
House			(House refused to recede)
Free Conference Committee			
House	96	0	
Senate	40	8	

Effective: July 26, 1987

SB 5032

C 191 L 87

By Senators Owen and Kreidler

Redefining what constitutes an antique slot machine.

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

Background: Currently, the possession of unauthorized gambling devices, including slot machines, is prohibited in the State of Washington. Antique slot machines, which are defined as being manufactured prior to January 1, 1941, are exempted from this provision, provided they are not being used for gambling activities.

Summary: The definition of antique slot machine is modified to include machines that are at least 25 years old.

Antique slot machines may only be operated with coins provided at no cost by the owner or by free play.

Votes on Final Passage:

Senate	45	2
House	97	1

Effective: July 26, 1987

SB 5034

C 30 L 87

By Senators Garrett and Stratton

Updating the Model Traffic Ordinance.

Senate Committee on Transportation
House Committee on Transportation

Background: The Washington Model Traffic Ordinance (MTO), enacted in 1975, is a listing of all state traffic laws which are applicable to a municipality, and can be adopted by reference by any local authority to serve as its local traffic ordinance. A local authority may adopt the MTO in full or in part, and may at any time exclude any section or sections it does not wish to include in its local laws. It is a service that three–fourths of the cities and twenty of the thirty–nine counties in the state subscribe to.

The object of this legislation is to incorporate into the MTO the new legislative enactments that relate to the regulation of traffic and motor vehicles within a municipality. Including these statutes by reference in the model ordinance allows the cities, towns and counties which have adopted the MTO to enforce these laws without having to enact separate ordinances for each one.

If a municipality desires to implement a new traffic law prior to legislative passage of the updated MTO, then it must enact its own local ordinance compatible with the state law.

Summary: The Model Traffic Ordinance is updated to include the mandatory use of seat belts in motor vehicles, as passed by the Washington Legislature in 1986.

Votes on Final Passage:

Senate	45	0
House	95	0

Effective: April 7, 1987

SB 5035

C 425 L 87

By Senators Kreidler, Warnke, Owen, Garrett, Zimmerman, Bluechel, Sellar and Stratton

Extending the interagency committee for outdoor recreation.

Senate Committee on Parks & Ecology
House Committee on State Government

Background: The Interagency for Outdoor Recreation (IAC) was created in 1964 as a result of Initiative 215, the Marine Recreation Land Act. It basically earmarked state unreclaimed marine gas tax to buy land and improve waterfront property for boating recreation. Along with this money several bond issues have been passed to provide monies to the IAC to carry out its legislative mandate and an Off–Road Vehicle funding program has been developed. The agency also administers the state's portion of the Federal Land and Water Conservation Fund grant monies. To date, the IAC has participated in 1800 projects throughout the state using federal and state grant monies.

Summary: The Interagency Committee (IAC) is reauthorized to June 30, 1989. The Governor's office is required, by January 1, 1989, to recommend to the Legislature whether the IAC should be located within an executive department or retained as a separate agency.

Votes on Final Passage:

Senate	45	0	
House	94	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	96	0	
Senate	43	0	

Effective: May 18, 1987

SSB 5045

C 54 L 87

By Committee on Judiciary (originally sponsored by Senators Talmadge and Newhouse)

Revising vote canvass and recount procedures.

Senate Committee on Judiciary
House Committee on Constitution, Elections & Ethics

Background: Current law provides that the canvassing of absentee ballot returns must be completed no later than the tenth day after an election or primary. In the case of a state general election, the canvassing period is extended to fifteen days. There is no requirement that the county canvassing board canvass ballots on a daily basis during this ten or fifteen–day period, or transmit unofficial results to interested parties.

An officer of a political party or a losing candidate for whom votes are cast for nomination or election to an office may file with the appropriate canvassing board a written application for a vote recount. However, in those jurisdictions containing more than one county, it is unclear which canvassing board should receive the application. In the case of a mandatory

recount, the canvassing board, of its own motion, makes a recount of all votes cast for a particular position. Again, it is not clear which canvassing board would do the recount in the case of a multi–county jurisdiction.

County auditors are required to prepare absentee ballots for use by absentee voters at least twenty days before any primary. There is no similar provision with respect to general or special elections.

Summary: At the request of any state legislative caucus, the county auditor must transmit the unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the Secretary of the Senate or the Chief Clerk of the House.

The application for a recount of the votes cast for a state or local office in a jurisdiction which is entirely within one county must be filed with the county auditor of that county. For a recount of votes cast for a federal or state office in a jurisdiction which is not entirely within one county, the application must be filed with the Secretary of State.

In the event of a mandatory recount, the county canvassing board is required to conduct a recount of the votes. When the mandatory recount involves multi–county jurisdictions, the Secretary of State directs the appropriate county board to conduct the recount.

The county auditors are required to prepare absentee ballots for use by absentee voters at least twenty days before any primary, general election, or special election. This requirement does not apply when there is a recount or litigation pending.

Technical improvements in language are made where appropriate.

Votes on Final Passage:

Senate	47	0	
House	96	0	(House amended)
Senate	37	0	(Senate concurred)

Effective: July 26, 1987

SSB 5046

C 37 L 87

By Committee on Financial Institutions (originally sponsored by Senators Bottiger, Metcalf, Moore and Rasmussen)

Limiting the use of riders for health and disability insurance.

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

Background: Presently, the law neither defines nor addresses the use of riders in health insurance policies, health care service contracts, or health maintenance agreements.

Summary: A rider is a legal document which modifies coverage by excluding, limiting, or reducing benefits or coverage for specifically named or described pre–existing diseases or physical conditions.

Disability insurance contracts, group disability insurance contracts, health care service contracts, and health maintenance agreements must disclose the number of years a rider is in effect. In no case may a rider be in effect for more than five years if the insured demonstrates full recovery.

An insured, subscriber, or enrollee may apply to have a rider cancelled, if during the five–year period from the date of issuance of the rider, no health care services have been received for the condition to which the rider applies. A physician of the carrier's choice must agree to the full medical recovery of the insured, subscriber, or enrollee. Such agreement may be subject to review by the Insurance Commissioner. The option to apply for cancellation must be disclosed on the face of the rider.

Votes on Final Passage:

Senate	43	0
House	97	0

Effective: July 26, 1987

SSB 5047

C 98 L 87

By Committee on Transportation (originally sponsored by Senators Rasmussen, Saling and Johnson)

Issuing special license plates to spouses of deceased POW's.

Senate Committee on Transportation
House Committee on Transportation

Background: People currently receiving special free license plates include prisoners of war, permanently disabled veterans and Congressional Medal of Honor recipients. The special license plates which may be purchased from the Department include license plates for (1) vehicles more than 30 years old, (2) amateur radio operators, (3) handicapped persons meeting certain criteria, and (4) personalized license plates.

Summary: The Department of Licensing shall issue a set of special vehicle license plates to the surviving spouse of any deceased former prisoner of war for use on a passenger vehicle. The plates shall be issued free of charge, and may be transferred to another vehicle registered to the surviving spouse in the same manner as the transfer of a personalized license plate.

In order to qualify for the POW license plate, the surviving spouse must have been married to the deceased former prisoner of war during the period of his or her incarceration.

The Director of the Department of Licensing shall approve the distinctive design of the special plate.

The current law which provides for special free license plates for disabled veterans is modified to allow the Department of Licensing to accept proof of a service-connected disability rating from the military service from which the veteran was discharged, in lieu of proof from the Veterans' Administration.

Votes on Final Passage:

Senate	44	0	
House	90	5	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 26, 1987

SB 5051

C 67 L 87

By Senators Moore, Smitherman and Tanner

Authorizing environmental excellence awards.

Senate Committee on Parks & Ecology
House Committee on Environmental Affairs

Background: The Ecological Commission annually presents Environmental Awards to recognize significant contributions by individuals, organizations and businesses who have demonstrated a commitment to protecting the environmental quality of the State of Washington. The current program is not designed to recognize contributions by manufacturers whose products are labeled in a manner designed to ensure environmental protection.

Summary: The Department of Ecology is to establish an environmental excellence awards program recognizing environmentally-protective labelling for the following product categories: paint products, cleaning agents, pesticides, automotive and marine products, and hobby and recreation products. The award recipients are entitled to display an appropriate logo developed by the Department.

Votes on Final Passage:

Senate	41	0	
House	70	20	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 26, 1987

SSB 5058

C 451 L 87

By Committee on Governmental Operations (originally sponsored by Senators Halsan, Deccio, Johnson, Talmadge, Hansen, Lee, McDonald, Nelson, Anderson, Hayner and Saling; by request of Joint Administrative Rules Review Committee)

Strengthening authority of the legislature over agency rule-making.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The Joint Administrative Rules Review Committee (Committee) reviews proposed and existing administrative rules of state agencies to determine whether the rules comply with legislative intent. The Committee, which consists of four Senators and four Representatives, is bipartisan.

If the Committee finds that a proposed or existing rule does not comply with legislative intent, it notifies the agency of its decision. If the agency does not amend, modify, withdraw or repeal the rule to conform to this finding, the Committee may file an objection and statement of the reasons for the objection with the Code Reviser. The Code Reviser then publishes the Committee's objections and statement in the Washington State Register. A reference to the Committee's objection is published in the next compilation of the Washington Administrative Code if the rule is adopted by the agency. The reference appears as a footnote to the rule.

Many states have adopted review procedures that enable administrative rules to be suspended if they are found to be outside of legislative intent.

It is suggested that agencies occasionally will use policy statements in the place of formally adopted administrative rules, thus effectively circumventing the public notice, opportunity for comment, and hearing procedures established by the Administrative Procedure Act. These policy statements are not published in the Register or Administrative Code, nor are they reviewed by the Joint Administrative Rules Review Committee.

Summary: I. SUSPENSION OF ADMINISTRATIVE RULES

When the Joint Administrative Rules Review Committee (Committee) finds that an existing agency rule does not comply with legislative intent, and the agency does not modify or repeal the rule to conform to this finding, the Committee may recommend suspension of the rule by a two-thirds vote of its members. Within seven days of the vote to recommend suspension of an agency rule, the Committee must transmit its findings to the Governor, the Code Reviser and the agency.

Within 30 days of the Governor's receipt of the Committee's findings, the Governor must transmit approval or disapproval of the recommended suspension to the Committee, the Code Reviser, and the agency. If the Governor approves the recommendation, the suspension of the rule is effective from the date of the approval and continues until 90 days after the end of the next regular legislative session.

The Committee's recommended suspension of an administrative rule and the Governor's response to it are published in the Washington State Register. A reference to these actions is published in the next compilation of the Washington Administrative Code.

II. PROPOSED ADMINISTRATIVE RULES

If the Joint Administrative Rules Review Committee finds that a proposed administrative rule does not comply with legislative intent, the Committee's decision must be considered by the affected agency if it holds a hearing on the proposed rule.

III. POLICY STATEMENTS, GUIDELINES AND ISSUANCES

The Joint Administrative Rules Review Committee is authorized to review an agency's use of policy statements, guidelines, and issuances that are of general applicability to determine whether these policy statements, guidelines and issuances should have been adopted as administrative rules. If the Committee finds that an agency is using a policy statement, guideline, or issuance in place of a rule, the agency must hold a hearing to consider the Committee's findings.

If the agency fails to hold the required hearing, fails to notify the Committee of its action on the Committee's findings, or continues to use a policy statement, guideline or issuance in place of a rule, the Committee may file an objection and a statement of the reasons for the objection. The objection and statement are published in the Washington State Register. A reference to the Committee's objection is published in the next compilation of the Washington Administrative Code.

Votes on Final Passage:

Senate	47	1	
House	94	2	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	96	0	
Senate	48	0	

Effective: July 26, 1987

SB 5060

C 11 L 87

By Senators Talmadge, Newhouse, Halsan, Conner and Rasmussen; by request of Washington State Patrol

Authorizing transport of intoxicated pedestrians.

Senate Committee on Judiciary
House Committee on Transportation

Background: Situations currently arise in which a law enforcement officer offers assistance to an intoxicated pedestrian who refuses the assistance and, shortly thereafter, an injury occurs to the pedestrian. Liability for such injury is then sought to be placed on the police officer for not transporting the pedestrian to a safe place.

Summary: A law enforcement officer may offer to transport a pedestrian walking along or within the right-of-way of a public roadway if he believes the person to be under the influence of alcohol or any drug. If the intoxicated pedestrian accepts the officer's assistance, the officer shall bring the person to a safe place or release the pedestrian to a competent person.

If the pedestrian refuses the law enforcement officer's assistance, no suit or action may be commenced against the officer, the law enforcement agency, the State of Washington or any political subdivision of the state for any act which results from the refusal of the pedestrian to accept the officer's assistance.

Votes on Final Passage:

Senate	45	0
House	96	0

Effective: July 26, 1987

SSB 5061

C 345 L 87

By Committee on Judiciary (originally sponsored by Senators Halsan, Newhouse, Talmadge, Smitherman and Garrett; by request of Washington State Patrol)

Establishing failure to comply with traffic laws as a gross misdemeanor.

Senate Committee on Judiciary
House Committee on Transportation

Background: In 1984 and 1985, approximately 22 percent of the people who were issued notices of traffic infractions/citations failed to appear as they had promised. The result is less effective enforcement of Washington laws and a loss of the revenue which would be derived from the fines. Police officers are powerless to act when they encounter drivers with a record of failing to appear because often warrants of arrest have not been issued. Out-of-state drivers who fail to appear or respond are usually not sanctioned by their state of record.

Summary: A police officer may arrest a driver for failure to comply if, after verifying the driving record with the Department of Licensing, the officer determines that the driver has two or more charges of failure to appear on his or her driving record.

A nonresident of Washington State who is issued a notice of traffic infraction or citation may be required to post either a bond, cash security in an amount equal to the infraction penalty or bail. If the driver is not able to do so, he or she will be taken to a judge or magistrate for a hearing at the earliest possible time. This does not apply to residents of states that have a reciprocal agreement with Washington.

Votes on Final Passage:

Senate	45	0	
House	94	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	93	3	
Senate	46	0	

Effective: July 26, 1987

SB 5062

C 66 L 87

By Senators Talmadge, Newhouse, Halsan and Rasmussen; by request of Washington State Patrol

Establishing information from another officer as probable cause to stop suspected traffic violators.

Senate Committee on Judiciary
House Committee on Judiciary

Background: Current law requires that an officer observe a violation before issuing a traffic infraction or citation with the exception of instances involving traffic accidents. Local court rulings have been that an officer cannot take enforcement action based only on information received from another officer who has observed the violation. For example, an officer on the ground cannot issue a citation for speeding at the request of an officer who observed the violation from an aircraft.

Summary: At the request of or based upon information received from an officer who has witnessed a traffic infraction, another officer may stop, detain, arrest or issue a notice of traffic infraction to the driver believed to have committed the violation. The request or information received from the observing officer constitutes the necessary probable cause.

Votes on Final Passage:

Senate	37	8
House	96	0

Effective: July 26, 1987

2SSB 5063

C 486 L 87

By Committee on Ways & Means (originally sponsored by Senators Talmadge, Nelson, Newhouse, Bottiger, Moore, Vognild, Gaspard, Deccio and Rasmussen)

Revising provisions relating to information on child and adult abuse.

Senate Committee on Judiciary and Committee on Ways & Means
House Committee on Human Services
House Committee on Ways & Means/Appropriations

Background: Currently, organizations which provide services to children have no access to background information on prospective employees or volunteers. It has been suggested that legislation enabling the State Patrol to provide conviction records and court findings

of child abuse and neglect of applicants seeking positions with such organizations would help solve this problem.

Summary: The Washington State Patrol is authorized to disclose, at the request of a school district, business, organization, or state agency which educates, treats, supervises or provides recreation to children or developmentally disabled persons, (1) an applicant's record of convictions of certain offenses against persons, (2) civil findings of child abuse or exploitation in dependency or dissolution proceedings when the perpetrator contested the allegation of abuse, and (3) disciplinary board final decisions. "Applicant" is defined as any prospective employee or volunteer who has unsupervised access to children or developmentally disabled persons or noncertificated educational personnel.

Law enforcement agencies and the Department of Social and Health Services may request this same information from the State Patrol to aid in the investigation and prosecution of child and adult abuse cases. The Department must consider this information when employing persons for state or licensed positions directly involving the care or supervision of children or developmentally disabled persons.

Before asking the State Patrol for information, the requesting organization must inform the applicant that it has the ability to check the person's criminal and civil adjudication records. The organization must then ask the applicant to disclose, in writing and under oath, whether the applicant has any such record. The requesting organization must disclose the results of any background check to the applicant and may not disclose these results to anyone else.

Licensed or certificated employees are subject to a background investigation at the time of initial certification. Licensing agencies must be notified when an employee is dismissed or resigns when charged with a crime against persons. Noncertificated employees of school districts are checked and issued identification which may be presented by the employee when seeking subsequent employment. Only applicants who are offered positions will be required to submit to a background check.

Businesses and organizations are immune from civil liability for failure to request background information on a prospective employee or volunteer unless such failure constitutes gross negligence. State employees, businesses and organizations, and their employees and volunteers are exempt from liability for lawful dissemination of background information.

The State Patrol shall begin furnishing background information after January 1, 1988.

The State Patrol shall by rule establish fees for the dissemination of these records. No fee shall be charged to a nonprofit organization, school district, or educational service district.

Businesses and organizations may use the background information only upon initial employment, and may not disseminate it to any one. An insurance company may not require a business or organization to request background information on any employee before issuing an insurance policy.

Votes on Final Passage:

Senate	47	1	
House	97	0	(House amended)
Senate	45	1	(Senate concurred)

Effective: July 26, 1987

SB 5067

C 71 L 87

By Senators Talmadge, Newhouse, Bottiger, Nelson, Moore, Rinehart and Deccio

Clarifying enforcement jurisdiction of domestic violence prevention orders.

Senate Committee on Judiciary
House Committee on Judiciary

Background: It is unclear under current law whether domestic violence protection orders issued by the superior courts can be enforced in the district and municipal courts. Because of this ambiguity, it has been reported that some lower courts have refused to hear domestic violence protection order enforcement actions.

Summary: District and municipal courts are given jurisdiction to hear actions brought to enforce domestic violence protection orders issued by the superior courts.

Votes on Final Passage:

Senate	48	0
House	96	0

Effective: July 26, 1987

SB 5069

C 38 L 87

By Senators Williams, Benitz and Rasmussen; by request of Utilities and Transportation Commission

Extending period for the utilities and transportation commission to object to public service companies' budgets.

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

Background: The Utilities and Transportation Commission may review the budgets of regulated utilities and reject any item of the budget. Currently the UTC must complete its review and note objections within 60 days.

Summary: The period for reviewing utility budgets and noting objections is extended to 90 days.

Votes on Final Passage:

Senate	44	0
House	97	0

Effective: July 26, 1987

SSB 5071

C 488 L 87

By Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Williams and Rinehart)

Changing provisions relating to dangerous wastes.

Senate Committee on Parks & Ecology
House Committee on Environmental Affairs

Background: Current statutory language (in RCW 70.105) may exclude the Department of Ecology from regulating hazardous wastes that are also radioactive.

The Department of Ecology is seeking authority to regulate the hazardous waste component of certain "mixed wastes" (wastes that are both hazardous and have low-level radioactivity). These wastes are produced primarily at the Hanford reservation by the U.S. Department of Energy (USDOE).

It is uncertain as to how regulatory authority over mixed wastes produced at USDOE facilities will be divided between the federal agencies. The U.S. Department of Energy has authority over radioactive wastes under the Atomic Energy Act. However, the U.S. Environmental Protection Agency (EPA) has recently adopted rules requiring the EPA, or states having an EPA-authorized program, to regulate the hazardous components of mixed wastes under the Resource Conservation and Recovery Act, the federal hazardous waste law. The Department of Ecology is now in the process of applying to the EPA for authority to regulate mixed wastes.

Commercial facilities within the state also produce small quantities of mixed wastes. The Department of Social and Health Services has regulatory authority over the radioactive component of these wastes.

Summary: The Department of Ecology has authority to regulate the hazardous waste component of mixed wastes unless preempted by federal law.

Provisions are established allowing the USDOE to dispose of extremely hazardous wastes containing radioactive components under certain circumstances.

Votes on Final Passage:

Senate	48	1	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	88	0	
Senate	44	1	

Effective: July 26, 1987

2SSB 5074

PARTIAL VETO

C 439 L 87

By Committee on Ways & Means (originally sponsored by Senators Talmadge, Newhouse, McCaslin, Moore, Lee and Hayner)

Revising involuntary commitment procedures.

Senate Committee on Judiciary and Committee on Ways & Means
House Committee on Human Services
House Committee on Ways & Means/Appropriations

Background: Washington State's Involuntary Treatment Act (ITA) was enacted in 1959 and underwent major changes in 1973 and 1979. The act permits, by court order, the involuntary treatment of a person who, as a result of a mental disorder, is gravely disabled or presents a likelihood of serious harm to self or others. Mental health professionals are those persons entrusted with the responsibility for commitment of individuals who fall within the scope of the act. The initial commitment period is 72 hours with additional treatment periods of 14, 90 and 180 days. The ITA is administered at the state level by the Department of Social and Health Services (DSHS), and at the local level by county governments. The majority of the funding is provided through the state general fund.

Counties may provide ITA services directly or contract with private agencies.

There are several areas of concern that have been raised with respect to the ITA. During the 1986 interim, the Senate Judiciary Committee heard the testimony of mental health professionals pertaining to the ITA. Many other issues have been addressed in the joint study of the Washington State Involuntary Treatment Act (1983) conducted by the Legislative Budget Committee (LBC) and the House Office of Program Research.

Summary: The Involuntary Treatment Act is amended to reflect a comprehensive approach to the treatment of mentally-ill adults in intensive and less-restrictive settings.

A 90-day less-restrictive treatment alternative replaces the present 14-day less-restrictive treatment program. In adopting treatment plans, the petitioner must show with specificity the less-restrictive alternative considered, and why treatment less restrictive than detention is not appropriate.

Language which prohibits a person from obtaining treatment under the ITA if proceedings are also initiated under the alcoholism treatment act is deleted. Depending upon the initial needs of the person, cross-referral between alcohol treatment facilities and mental health facilities may be required.

A pilot program is created to determine the effect of case management services on those persons who are conditionally released or committed to less restrictive treatment. The pilot program is conducted in at least three counties, and the requirements for participation are outlined. In pilot counties, in conjunction with the county mental health coordinator, a community mental health agency is appointed by the court to provide the appropriate case management services. The community mental health is required to assign a case manager whose duties include: (1) participation with the court in the formulation of the less restrictive or conditional release order; and (2) participation in the development of an individualized treatment plan with the treatment team.

The implementation of the pilot program begins on January 1, 1988, and terminates on June 30, 1989. A report to the Legislature on the progress of the pilot program and recommendations shall be submitted by the Legislative Budget Committee by January 1, 1989.

The physician-patient and psychologist-client privileges are modified. The court has the discretion to waive the privilege based solely on the need for protection of either the detained person or the public. The waiver is limited to records or testimony reasonably related to evaluation of the detained person.

If a conditionally-released person presents a likelihood of serious harm to others or himself, or is gravely disabled, the county designated mental health professional (CDMHP) or the secretary of DSHS may order that the conditionally-released person be taken into custody and detained in an evaluation and treatment facility. If the patient does not adhere to the terms of a conditional release, the CDMHP or secretary may, in lieu of hospitalization, notify the patient to come to a hearing not less than 5 days after service of a petition for revocation. When a conditional release is revoked, the subsequent treatment period may be for no longer than the period authorized in the original court order. In the event of a revocation of a less restrictive alternative treatment, the subsequent treatment period may be for no longer than 14 days.

The time period that a person may be detained at an alcohol and treatment facility as a result of incapacitation by alcohol is increased from 48 to 72 hours. A petition for commitment of a person alleged to be incapacitated by alcohol must be heard by the court no less than three and no more than seven days after the date the petition is filed.

The filing period for 90-day treatment and the length of continuances are shortened.

Votes on Final Passage:

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

Effective: July 26, 1987

Partial Veto Summary: The veto deletes the 14-day limit on the treatment period in the event a less restrictive alternative treatment is revoked. (See VETO MESSAGE)

SB 5080

C 64 L 87

By Senators Halsan, Newhouse, Talmadge and Nelson

Changing provisions relating to exempt pension money.

Senate Committee on Judiciary
House Committee on Financial Institutions & Insurance

Background: Current state law protects the pension benefits of federal and state employees from creditors, whether in or outside bankruptcy. Recent amendments to the federal bankruptcy law override the protections enacted in the Employee Retirement Income Security Act of 1974 (ERISA), that keep a private employee's

pension benefits exempt from seizure. As a result, the creditors of private employees who are involved in bankruptcy proceedings are being permitted to take the bankrupt employee's pension benefits, whether or not they are presently being paid to the employee. The employee is left without retirement benefits, and there are severe tax consequences for the employer's pension plan and all fellow employees who are participants in the plan.

Summary: The pension benefits of private employees are exempt from seizure by the employee's creditors, whether in or outside of bankruptcy proceedings, when the benefits plan is regulated by ERISA or subject to the federal tax code. The pension fund which pays the employee's benefits is also exempt.

The employee's pension benefits are payable to a spouse, former spouse, child or other dependent of an employee to satisfy family support obligations, if provided for in a court order which satisfies the requirements of ERISA and the tax code.

The provisions which exempt the pension benefits of private employees from seizure by the employee's creditors do not apply to any plan excluded from the federal Employees Retirement Income Security Act of 1974.

Votes on Final Passage:

Senate	47	0
House	98	0

Effective: July 26, 1987

SSB 5081

C 526 L 87

By Committee on Parks & Ecology (originally sponsored by Senators Bluechel, Bottiger and Conner)

Reestablishing the winter recreation commission.

Senate Committee on Parks & Ecology
House Committee on Trade & Economic Development

Background: The Legislature created the Winter Recreation Commission to promote winter recreation in the state in 1982. The Commission terminated January 1, 1987.

With termination of the Commission, there is no entity in state government given specific authority to address the winter recreation industry.

A 1984 report issued by the Winter Recreation Commission found that the state has under-utilized its potential for winter recreation facilities. Several tasks were identified as necessary to allow the state to realize more of its winter recreation potential.

Summary: The Winter Recreation Commission is reestablished and includes two members of the Senate and two members of the House with one from each caucus of the respective body. Also included are representatives from the Parks and Recreation Commission, the Departments of Trade and Economic Development and Natural Resources, two representatives of the environmental community, along with one representative of cities and one from counties.

The Commission is to study and identify potential sites for new winter recreation development, facilitate needed land trades with other government agencies, recommend state management structures to address winter recreation and consult with other government agencies. It is also to hold necessary public hearings, propose changes to state law to carry out its purposes, and establish advisory committees. The Commission is to submit a biennial report to the Legislature in 1989. Current members are to continue their roles.

The legislative members of the commission are subject to reappointment.

"Roll On Columbia, Roll On" is established as the official state folk song.

Votes on Final Passage:

Senate	39	8	
House	84	11	(House amended)
Senate			(Senate concurred in part)
House	83	14	(House receded in part)
Senate	26	3	

Effective: May 19, 1987

SB 5085

C 395 L 87

By Senators Talmadge, Newhouse, Hansen, Sellar, Vognild and Barr

Revising provisions relating to warehousemen's liens.

Senate Committee on Judiciary
House Committee on Judiciary

Background: A lien is a claim or charge on property for the payment of a particular debt, obligation or duty. Such a lien is possessory where the creditor is lawfully in possession of the specific property until there is satisfaction of the debt. Under Washington law, a possessory lien is prior to a perfected security interest only if the lien is statutory and the statute expressly provides for priority. The warehouseman's lien is statutory but the statute is arguably silent with

respect to priority. Thus, it is likely that the warehouseman's lien is inferior to perfected security interests.

In contrast to Washington's law, the uniform version of the Uniform Commercial Code (UCC) priority scheme grants possessory liens priority over perfected security interests. The UCC language encourages a business furnishing services or materials to preserve and enhance the property of others because the business recognizes that it is permitted to retain possession of the goods to secure payment for services and materials provided. It is suggested that the adoption of the UCC language within this state's warehouseman's lien statute would benefit both warehousemen and their customers as well.

Summary: A warehouseman's lien takes priority over all other liens and perfected or unperfected security interests.

Votes on Final Passage:

Senate	46	0
House	97	1

Effective: July 26, 1987

SSB 5088

FULL VETO

By Committee on Judiciary (originally sponsored by Senators Owen, Warnke, Nelson, Barr and Moore)

Including court conferred visitation rights under protection of custodial interference statute.

Senate Committee on Judiciary
House Committee on Judiciary

Background: The requirements of the crime of custodial interference in the second degree are met when a relative of a person takes, entices, retains, detains or conceals that person with the intent to deny access to such person by a parent, guardian, institution, agency or other person who has a lawful right to physical custody.

Summary: Custodial interference in the second degree is expanded to include situations in which a parent, guardian, institution, agency or other person has court conferred visitation rights with another person but is intentionally denied access to the person for a period of two hours or more through the actions of that person's relative.

RCW 9A.40.080 provides a complete defense to the charges of custodial interference in the first and second degree. In order to meet the requirements of that defense, the defendant must be able to establish, by a preponderance of the evidence, that he or she reasonably believed that the child, incompetent person or himself or herself were in imminent physical danger. In addition, the defendant must be able to establish that he or she sought the assistance of the police, sheriff's office or protective state agencies prior to or within three hours of performing the acts which gave rise to the charges.

The defendant must also be able to show that he or she did not change addresses or leave the jurisdiction where the acts occurred and reported his or her name, address and phone number to the police or sheriff's department with the name and address of the child or incompetent person.

Votes on Final Passage:

Senate	45	0	
House	95	1	(House amended)
Senate	46	0	(Senate concurred)

FULL VETO: (See VETO MESSAGE)

SSB 5089

C 187 L 87

By Committee on Judiciary (originally sponsored by Senators Halsan, Vognild, Talmadge, Bailey, Stratton, Newhouse, Benitz, Kreidler, Bauer, Johnson, Gaspard and Moore)

Prescribing penalties for homicide by abuse.

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

Background: It has been reported that it is very difficult to obtain a conviction for murder in child abuse cases because such a conviction requires a showing that the adult involved intended to kill the child. Even in cases involving serious abuse resulting in the death of a child, prosecutors often charge only manslaughter.

Summary: A new crime of homicide by abuse is created. A person is guilty of this crime if, under circumstances manifesting an extreme indifference to human life, the person causes the death of someone under 16, a developmentally disabled person, or a dependent adult. The person must have previously engaged in a pattern of assault or torture of said child or disabled or dependent person.

Dependent adult means a person who, because of physical or mental disability or advanced age, is dependent upon another person to provide the basic necessities of life.

Homicide by abuse is classified the same as murder in the first degree for purposes of sentencing under the Sentencing Reform Act.

Votes on Final Passage:
Senate 47 0
House 98 0

Effective: July 26, 1987

SSB 5094
C 285 L 87

By Committee on Ways & Means (originally sponsored by Senator Bottiger)

Taxing the labor rendered by speculative builders.

Senate Committee on Ways & Means
House Committee on Ways & Means/Revenue

Background: Department of Revenue administrative rules (WAC 458–20–170) define a "prime contractor" as a person engaged in the business of performing for consumers "the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property, either for the entire work or for a specific portion thereof." Prime contractors are required to collect from consumers the retail sales tax measured against the full contract price. This would include the value of labor and other services provided directly by the prime contractor or his employees.

The same rule defines a "speculative builder" as one who "constructs buildings for sale or rental upon real estate owned by him." Although a speculative builder is subject to the retail sales tax on materials and supplies purchased by him and for the value of services provided by subcontractors, that portion of the final selling price representing the value of the labor and other services provided directly by the speculative builder or his employees is not. The sale of the building to the ultimate owner is a real estate transaction which is taxable under the real estate excise and conveyance taxes, but not under the retail sales tax.

Some portion of the sales tax collected by a prime contractor may be avoided if the owner of real property conveys title to a builder and repurchases or otherwise regains title after a structure has been erected on it.

Summary: The definition of sale at retail or retail sale includes the charge for labor and services of a person performing construction, repair or improvement on a structure on property which is then reconveyed to the original owner.

Votes on Final Passage:
Senate 30 17
House 95 0

Effective: July 26, 1987

SB 5097
C 229 L 87

By Senator Williams

Modifying provisions relating to utility regulation.

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

Background: Three chapters of the Laws of 1985 amended RCW 80.04.010, definitions relating to the Utilities and Transportation Commission. Three chapters of the Laws of 1985 also amended RCW 80.04-.130, relating to utility tariffs for water and telecommunications service.

Summary: In each section, RCW 80.04.010 and RCW 80.04.130, the amendments are reenacted and merged. New definitions are added and a program is established to maintain service for low–income households that currently have phone service and make telephone service available to those that do not presently have service.

This lifeline assistance program is made available to participants in existing aid programs: aid to families with dependent children, chore service, food stamps, supplemental security income, refugee assistance, and community options program entry system (COPES). The program is administered by the Department of Social and Health Services (DSHS). The department shall notify the clients of the listed programs of their eligibility. The benefits include a 50 percent discount on connection charges for those who do not have telephone service, a waiver of deposits, and a lifeline service rate established by the Utilities and Transportation Commission. The lifeline service rate applies to eligible customers whose lowest available rate is greater than the lifeline rate.

The program is funded through a surcharge tax, not subject to the utility tax, and not to exceed 16 cents per month on the access lines of local ratepayers. The expected surcharge will average about 9 cents. A lifeline fund is created for use by DSHS in administering the program. The Legislature will review the program by December 15, 1989. The act expires June 30, 1990.

The telephone solicitation law is amended to require repeated violations as a basis for a civil cause of action.

Votes on Final Passage:

Senate	48	0	
House	91	6	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 26, 1987

SSB 5104

C 225 L 87

By Committee on Parks & Ecology (originally sponsored by Senators Kreidler and Bluechel)

Modifying provisions relating to money received by the parks and recreation commission.

Senate Committee on Parks & Ecology
House Committee on Natural Resources

Background: Cooperating nonprofit associations supporting local, state and federal public parks have been a significant source of funding and assistance for park activities. In many jurisdictions, such nonprofit associations are authorized to publish and sell park–related interpretive, recreational and historical literature on park premises, the proceeds of which are used to support park activities. In other cases, other fundraising activities, such as cultural events, are sponsored by the cooperating association, under the supervision of park authorities, and the proceeds of such events are applied for the benefit of the parks.

Existing programs for cooperation between state park agencies and nonprofit associations are found in California and Oregon, the former having nearly 100 cooperating associations at a variety of California state park facilities. The Washington Parks and Recreation Commission lacks explicit authority to enter agreements with nonprofit cooperating associations to raise funds for state park facilities. Under the general management authority granted to metropolitan park districts in the state of Washington, activities are presently under way by local governmental jurisdictions, such as the cooperating societies supporting the development and activities of the Point Defiance Zoo in Tacoma and the Woodland Park Zoo in Seattle.

Summary: The Parks and Recreation Commission is authorized to provide for the publication and sale in state park facilities of interpretive materials and literature, the proceeds to be placed in a parks improvement account. All monies received from the sale of literature and materials placed in the account may be spent only for the development, production and distribution costs associated with the literature and for park facility improvements approved through the appropriation process. The account is subject to the allotment procedure for budgeting set forth in Chapter 43.88 RCW. Funds for providing further materials and literature may be spent directly by the director of the Parks and Recreation Commission, but any monies to be used for other capital or operating purposes must be allocated through legislative appropriation.

The Parks and Recreation Commission is empowered to provide for fundraising activities by private nonprofit groups using state park facilities solely for the purpose of providing gifts and grants to the Commission. Park agency personnel and services may provide support for such fundraising activities. None of the funds raised may inure to the private benefit of the nonprofit group, except in its status as a public user of the park facilities. Both the agency and the nonprofit group shall agree on the nature of any park project prior to undertaking a fundraising activity. The Parks and Recreation Commission may accept gifts from private nonprofit groups in the form of recreational facilities, money, labor and materials.

Votes on Final Passage:

Senate	46	0
House	58	36

Effective: July 26, 1987

SB 5105

C 34 L 87

By Senators Warnke, Lee, Smitherman, Garrett, Newhouse, Anderson, Wojahn and Moore

Providing for the licensing of the manufacture and sale of poisons.

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

Background: The recent deaths in the state from cyanide–laced capsules has raised concern over the ease with which certain poisons may be obtained. There is no current requirement to maintain records on the sales of such poisons. Law enforcement officials may find it easier to investigate tampering if records on poison sales were maintained.

Summary: Any person who sells arsenic, cyanide, strychnine, or any other poison designated by the State Board of Pharmacy as causing violent sickness or death in quantities of sixty grains or less must maintain a poison register.

The seller must record in the poison register: (1) the date and hour of the sale; (2) the name and address of the purchaser; (3) the kind and quantity of poison sold; and (4) the purpose for which the poison is sold.

The purchaser must show the seller identification that contains the purchaser's photo and signature. The purchaser and seller must both sign the poison register entry.

Each poison register must be preserved for at least two years after the last entry and is subject to inspection by law enforcement and health officials.

Any person making a false representation to a seller when purchasing a poison is guilty of a gross misdemeanor. Any person who fails to maintain the poison register as required is guilty of a misdemeanor.

The State Board of Pharmacy is directed to establish an annual licensing procedure for everyone who manufactures or sells poisons within the state after consulting with the Department of Licensing. Any person who manufactures or sells poison within the state without a license is guilty of a misdemeanor.

Substances which are regulated under the Pesticide Control Act; Pesticide Application Act; Food, Drug and Cosmetic Act; legend drug samples; or Uniform Controlled Substances Act do not have to be reported in the register.

Votes on Final Passage:

Senate	44	0	
House	95	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: July 26, 1987

SSB 5106

C 65 L 87

By Committee on Governmental Operations (originally sponsored by Senators Bottiger, Hayner, Halsan, Deccio and West)

Revising the qualifications of the members of the organized crime advisory board.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The Organized Crime Advisory Board (Board) advises the Governor of various activities encompassing the overall statewide organized crime intelligence effort. It also conducts a continuing review and assessment of organized crime and related activities in which the organized crime intelligence unit of the Washington State Patrol is engaged. The Board also has the authority to petition the Washington State Supreme Court for an order appointing a statewide special inquiry judge.

The Organized Crime Advisory Board is composed of 13 voting members, who are appointed as follows: (1) The Lieutenant Governor appoints four members of the Senate Judiciary Committee, no more than two of whom shall be from the same political party; (2) the Speaker of the House appoints four members of the House Judiciary Committee, no more than two of whom shall be from the same political party; and (3) the Governor appoints five members: two county prosecuting attorneys, one municipal police chief, one county sheriff, and one retired judge of a court of record.

Summary: The requirement that legislative members of the Organized Crime Advisory Board must be members of the Senate and House Judiciary Committees is deleted.

Votes on Final Passage:

Senate	48	0
House	95	0

Effective: July 26, 1987

SSB 5107

C 235 L 87

By Committee on Transportation (originally sponsored by Senators Conner, Barr, Peterson, Patterson, Vognild, Bauer and Deccio)

Levying motor vehicle excise tax only for the actual license period.

Senate Committee on Transportation
House Committee on Transportation

Background: An owner registering a vehicle for the first time in Washington State may not receive a full twelve month registration period before it is time to renew the vehicle license. For example, if the initial registration is transacted on March 30, the excise tax will be charged from March 1 and extend for a period of twelve months. The date for renewal of the vehicle registration will be the last day of February of the following year.

Summary: By January 1, 1988, the Department of Licensing and the Department of Revenue shall propose to the Legislature a method of initially registering a motor vehicle whereby the excise tax is levied only for the effective registration period.

Votes on Final Passage:

Senate	45	0	
House	90	8	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 26, 1987

SB 5110

C 465 L 87

By Senators Gaspard, Bauer, Bailey, Bender, Patterson, Smitherman, Warnke, Saling, Anderson, Zimmerman, Kiskaddon, Rinehart, Garrett, von Reichbauer and Moore

Changing provisions relating to tuition and fee waivers for recipients of the Washington scholars award.

Senate Committee on Education
House Committee on Higher Education

Background: In 1981 the Legislature established the Washington State Scholars program to provide recognition for three seniors from high schools in each legislative district who had outstanding academic records. In 1984 the Legislature further provided that regional universities, state universities and The Evergreen State College would waive tuition, operating and service and activities fees for two years for recipients attending their respective institutions.

Summary: Recipients of the Washington Scholars award will receive a four–year tuition and fee waiver (in place of the current two–year waiver) at any regional or state university or The Evergreen State College. An outdated reporting requirement is repealed.

Community colleges are added to the list of institutions able to offer waivers to Washington scholars. The amendment specifies that the waivers are applicable only to undergraduate studies. The grade point average required for maintenance of the waiver is changed to 3.30. The time limit on applicability of waivers is changed to 12 quarters or eight semesters.

Allowance is made for Washington scholars to transfer between state institutions.

Provision is made for students in the first three quarters or two semesters who fall below the 3.30 grade average to make application to the Higher Education Coordinating Board for probationary status until the grade point average meets the required standards.

Provision is made for current recipients to be covered under the four–year waiver.

Votes on Final Passage:

Senate	45	0	
House	92	4	(House amended)
Senate			(Senate refused to concur)
House	92	5	(House receded)

Effective: July 26, 1987

SSB 5113

PARTIAL VETO

C 310 L 87

By Committee on Transportation (originally sponsored by Senators Peterson, Bender, McDermott, Kreidler, Vognild, Fleming, Bauer, DeJarnatt, Stratton, Garrett, Rasmussen and Moore)

Reducing auto insurance rates based on safety belt and passive restraint usage.

Senate Committee on Transportation
House Committee on Financial Institutions & Insurance

Background: In 1983 the Legislature adopted an act requiring children under the age of five to be properly secured in a car seat whenever riding in a motor vehicle.

Last year the Legislature adopted a mandatory seat belt law that requires all motor vehicle occupants to wear seat belts except when riding in certain types of motor vehicles or when a licensed physician certifies that the person is unable to wear a seat belt.

Summary: The Insurance Commissioner shall give due consideration in determining rates for motor vehicle insurance to anticipated savings on losses attributable to the use of seat belts and other lifesaving devices, and lighting devices which are to be in a rate exhibit at the time of the rate filing.

Votes on Final Passage:

Senate	45	2	
House	56	37	(House amended)
Senate	43	2	(Senate concurred)

Effective: July 26, 1987

Partial Veto Summary: The requirement for an exhibit at the time of rate filing to show anticipated changes in losses due to the use of lights and lighting devices is vetoed because that provision is included in other legislation. (See VETO MESSAGE)

SB 5120

C 302 L 87

By Senators Peterson, Hansen, Barr, Metcalf, Garrett, Bender, von Reichbauer, Sellar and Patterson

Revising fees and liability for county auditors and their agents.

Senate Committee on Transportation
House Committee on Transportation

Background: Motor vehicle subagents are private enterprise businesses consigned by county auditors to provide certain services to the public. These services include vehicle and vessel registration and titling, license renewal, collection of vehicle tonnage fees, and issuance of various permits.

Due to increasing costs in operation the subagents have requested an increase in their fees from $1.75 per transaction to $2.00. The fee was last increased in 1983, from $1.50 to $1.75.

The Department of Licensing is authorized to accept checks for payment of various license fees. When a check proves to be insufficiently funded, and it has been written to the county or subagent, the Department allows the agent or subagent to collect an NSF fee when the check is made good. Although the law allows the Department to collect such a fee, the law does not apply to county auditors and subagents.

The Department has immunity from suits and legal actions in the course of licensing and registering vehicles and vessels. County auditors and their subagents assist the Department in providing these services to the public, but they are not protected from immunity under the law.

Summary: The additional charge for the agent of the county auditor is increased from $1.75 to $2.00.

When registrations, licenses or permits have been paid for by checks that have been dishonored by non-acceptance or nonpayment, the county auditors or subagents may collect restitution and a reasonable handling fee which may be set by rule by the Director of the Department of Licensing.

County auditors or subagents may not be prosecuted through civil suit for any act performed or omitted in connection with titling, licensing or registration of vehicles or vessels while performing duties as an agent of the Director of Licensing. This does not bar the Director or the state from bringing civil or criminal action against any agent, or a county auditor or other agent of the Director from bringing any action against his or her agent.

Votes on Final Passage:

Senate	45	0	
House	85	7	(House amended)
Senate			(Senate refused to concur)
House	96	0	(House receded)
House			(House refused to recede on reconsideration)
Senate	40	1	(Senate concurred)

Effective: May 8, 1987 (Section 3)
July 26, 1987

SSB 5123

PARTIAL VETO

C 469 L 87

By Committee on Transportation (originally sponsored by Senators Hansen, Patterson, Peterson, Conner, Saling, Benitz and Barr)

Revising highway advertising controls.

Senate Committee on Transportation
House Committee on Transportation

Background: The Highway Advertising Control Act–Scenic Vistas Act, RCW 47.42, controls the placement of signs in areas adjacent to state highways. The statutory definition of "temporary agricultural directional sign" limits these signs to use for products harvested or produced on the property where the sale is taking place.

Current law does not allow for the signing of regional shopping malls on state highway right of way. The Department of Transportation does sign other traffic generating private businesses. Oregon has a program which allows for the signing of regional shopping malls.

Prior to the placement of a "logo" sign on state highway right of way, the business must enter into an agreement with the Department of Transportation limiting any on–premise sign to no more than 15 feet above the main building.

Summary: The restriction that the agricultural products must be harvested or produced on the land on which the advertised sale is taking place is removed.

Provisions are added which allow directional signs to regional shopping malls placed along the highway right of way.

The Department on a case–by–case basis may waive the on–premise height restriction for signs which are visible from the rural interstate, primary and scenic highway systems.

Votes on Final Passage:

Senate	45	0	
House	77	15	(House amended)
House	43	2	(Senate concurred)

Effective: July 26, 1987

Partial Veto Summary: The provisions which allowed the Department of Transportation to waive, on a case–by–case basis, the on–premise height restriction for signs adjacent to the rural interstate, primary and scenic highway systems are vetoed. (See VETO MESSAGE)

SSB 5124

PARTIAL VETO

C 311 L 87

By Committee on Transportation (originally sponsored by Senators Peterson, Conner, Patterson, DeJarnatt, Hansen and Garrett)

Revising procedures for impoundment and disposition of unauthorized, abandoned, junk, and other vehicles.

Senate Committee on Transportation
House Committee on Transportation

Background: In 1985, following two years of studies and hearings by the Legislative Transportation Committee, the Legislature created Chapter 46.55 to regulate those tow truck operators who impound and store vehicles. The Department of Licensing and the Washington State Patrol both have areas of jurisdiction of tow truck operators who impound from private and public property. The Department of Licensing is responsible for the licensing of the operators, the processing of impounded vehicle owner information and tow truck operator complaint resolution. The State Patrol is responsible for the pre-licensing inspections of tow truck equipment, facilities and records of the tow truck operator.

Currently, in some of the rural areas of the state tow truck operators are not able to carry the full amount of insurance mandated by the state as a licensing requirement. This has impeded the State Patrol's responsibilities in the removal of vehicles following an accident, and other vehicles discovered upon the highways.

Statutory provisions which relate to impound authority and the vehicle redemption process are scattered throughout three chapters within Title 46 RCW.

Summary: Minimum insurance limits are reduced. Liability for bodily injury or property damage is reduced from $250,000 to $100,000, and fire and theft insurance is reduced from $100,000 to $50,000.

New text is inserted which: (1) Requires the Department of Licensing to return to the tow truck operator the owner information on an impounded vehicle within 48 hours; (2) clarifies that owner notification need not be sent if the vehicle is impounded as a result of a court order, writ or police hold, until such time as the hold is removed on the vehicle; (3) specifies that if the DOL finds no owner information on the vehicle, then an operator is authorized to conduct a search of the vehicle to determine whether or not any owner information is within the vehicle; (4) mandates that a right to a hearing form is to be included in the initial notification to both the legal and registered owners; (5) restricts the amount an operator may charge for storage in any 24-hour period to $10.

Language is clarified to specify that each separate business requires a separate registration under 46.55 RCW.

Language from 46.52, the old tow truck chapter, and 46.61, the rules of the road, that deal with the impounding of motor vehicles is transferred into 46.55.

A tow truck operator may not authorize an impound on behalf of the property owner.

A vehicle's insurer may view an impounded vehicle during normal business hours for no charge. In addition, an insurer may redeem an insured's vehicle, if the registered or legal owner does not redeem the vehicle.

Votes on Final Passage:

Senate	38	9	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 26, 1987

Partial Veto Summary: Two sections of the bill which deal with the Commission on Equipment's authority are vetoed. This was necessitated because in another piece of legislation all authority of the Commission on Equipment is given to the Washington State Patrol. (See VETO MESSAGE)

SB 5129

C 510 L 87

By Senators Talmadge, Garrett, Lee and Stratton

Authorizing revenue bonds for a toll bridge on First Avenue South in Seattle.

Senate Committee on Transportation
House Committee on Transportation

Background: The First Avenue South bridge is located on the Duwamish waterway in south Seattle. The bridge, designed in the 1950s to connect Seattle with SR 99, currently links SR 99 on the north with SR 509 and SR 518 to the south.

The existing bridge consists of five ten-foot wide lanes and the center lane is operated as a reversible lane during peak hours. Traffic volumes across the bridge have increased by 40 percent since 1972 according to an independent study prepared for the Washington State Department of Transportation by Parsons Brinckerhoff in 1985. The study concluded that traffic congestion, high accident rates, and hazardous conditions for bicyclists and pedestrians make the bridge unsafe.

The bridge is estimated to cost approximately $100 million, based upon costs for 1992. A 52 cent toll would be required to pay back a toll bond. With this pricing it is estimated that a 23 percent diversion of traffic would occur resulting in an average daily traffic load of about 65,000.

The 1985 study recommended a tri–partisan approach for payment of the bridge. The state would pay part from category C funds since the bridge is part of a state route; the Port of Seattle would pay part since it is a large landowner within the area and pays no taxes; and locals would pay the remainder through tolls since they are the beneficiaries of the bridge.

Summary: The Transportation Commission is granted permission to construct a new First Avenue South bridge entirely or in part with toll–financed revenue bonds. The Commission must first conduct a study, paid for from category "C" funds, to determine the economic and operational feasibility of a toll–financed bridge, as well as whether it would be allowable under federal law. If the Commission concludes that construction is viable, the Commission may then issue revenue bonds and impose and collect tolls for the purpose of funding the revenue bonds. The Commission must seek additional funding for the bridge from local sources. Any funding obtained from local sources will be matched by an equal amount of category C state funds.

The city of Seattle, in cooperation with the Department of Transportation, is authorized to conduct a study to determine whether it is operationally feasible and consistent with federal law for the city to collect tolls on the existing bridge to "prefund" the construction of a new bridge. The study is to be paid for wholly from city funds. If it is determined that charging tolls is feasible and consistent with federal law, then the city is authorized to construct, operate and maintain toll facilities and to set the toll rates. The toll collections, less the cost of administration, will be used solely for construction of the new bridge.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: July 26, 1987

SSB 5130

C 196 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Warnke and Conner)

Revising provisions on sales of liquor by the bottle by class H licensees.

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

Background: Current law permits hotels with class H licenses to sell spirituous liquor by the bottle, provided the patrons are registered guests of the hotel and the liquor is intended for consumption on premises. In addition, registered guests who purchase spirituous liquor by the bottle are permitted to take off–premise any unused portions of liquor in original containers.

Clubs with class H licenses having overnight sleeping accommodations are not permitted to sell spirituous liquor by the bottle.

Facilities in the State of Washington that offer three or more lodging units to travelers and transient guests are subject to the Transient Accommodations Act (RCW 70.62).

Summary: Clubs with class H liquor licenses that are regulated under the Transient Accommodations Act are permitted to sell spirituous liquor by the bottle provided that the patrons are registered guests of the class H club, and the liquor is intended for consumption on premises. In addition, registered guests who purchase spirituous liquor by the bottle are permitted to take off premise any unused portions of the liquor in original containers.

Votes on Final Passage:

Senate	38	2
House	95	3

Effective: July 26, 1987

SSB 5136

C 44 L 87

By Committee on Transportation (originally sponsored by Senators Owen, Bender, Warnke, Conner, Stratton and Garrett)

Issuing special license plates to Pearl Harbor survivors.

Senate Committee on Transportation
House Committee on Transportation

Background: Citizens currently receiving special free license plates include prisoners of war, permanently

disabled veterans and Congressional Medal of Honor recipients. The special license plates which may be purchased from the Department include license plates for: (l) vehicles more than 30 years old; (2) amateur radio operators; (3) handicapped persons meeting certain criteria; and (4) personalized license plates.

Three states have already approved special plates for Pearl Harbor survivors; five other states will be addressing the matter this year in their respective legislatures. There are approximately 370 members in the Washington chapter of the Pearl Harbor Survivors Association.

Summary: A state resident may apply to the Department of Licensing for a special license plate designed to indicate that the recipient is a survivor of the Japanese attack on Pearl Harbor, provided the applicant fulfills the following requirements: (1) was a member of the United States Armed Forces on December 7, 1941; (2) was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the Island of Oahu, or offshore at a distance not to exceed three miles; (3) received an honorable discharge from the United States Armed Forces; and (4) holds a current membership in a Washington State chapter of the Pearl Harbor Survivors Association.

The applicant shall be provided with special plates upon payment of the regular license fee and furnishing of proof to the Department of Licensing that the above requirements have been met.

Only one motor vehicle may be licensed in this manner at one time.

The recipient shall be issued replacement plates without charge in the event that the plates are lost, stolen or destroyed.

The plate shall remain with the recipient and may be used on another motor vehicle registered to the recipient.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: July 26, 1987

SB 5138

C 49 L 87

By Senators McDermott, McDonald, Hayner, Lee and Rasmussen

Authorizing disclosure of information received under tax deferral and tax credit programs.

Senate Committee on Ways & Means
House Committee on Ways & Means

Background: From 1972 through 1982, the Economic Assistance Authority received applications for tax deferrals on new manufacturing investments. They issued regular reports listing name of applicant, location, estimated investment, number of jobs, and decision on project.

In the last two legislative sessions, three new programs have been adopted to use tax incentives for economic development (Laws 1985, Chapter 232; Laws 1985, 1st extraordinary session, Chapter 2; Laws of 1986, Chapter 116). Because businesses apply to the Department of Revenue, its rules of confidentiality apply.

Summary: Information on applications for sales tax deferrals and business and occupation tax reductions is no longer confidential.

Votes on Final Passage:

Senate	47	0
House	92	1

Effective: July 26, 1987

SB 5139

C 80 L 87

By Senators McDermott and Rasmussen; by request of Office of Code Reviser

Consolidating cigarette tax provisions.

Senate Committee on Ways & Means
House Committee on Ways & Means

Background: Provisions relating to the taxation of cigarettes are presently found in three different statutes: RCW 82.24, RCW 82.02 and RCW 28A.47. The Code Reviser proposes to consolidate these sections into one chapter of the code.

Summary: All sections imposing cigarette taxes are consolidated into one chapter of the code. Three of the four existing tax rates and the surtax on cigarettes are consolidated into a single rate. All provisions on compensation of retailers and wholesalers of cigarettes are consolidated into one section, and internal references are corrected accordingly.

Votes on Final Passage:

Senate	48	0
House	95	0

Effective: July 26, 1987

SSB 5142

C 280 L 87

By Committee on Judiciary (originally sponsored by Senators Talmadge, Lee, Bottiger, Moore and Rinehart)

Providing protection from unlawful harassment.

Senate Committee on Judiciary
House Committee on Judiciary

Background: Washington's criminal harassment statute, RCW 9A.46, was intended to make certain kinds of harassment illegal, making it a crime to threaten to injure or harm another.

Law enforcement authorities report they are unable to make arrests in many harassment cases because RCW 9A.46 applies only where an express threat is made to the victim. Often the victim is subjected to a continued pattern of serious harassment, but no arrest is possible because no specific threat of harm is made.

Summary: This chapter is intended to provide victims of unlawful harassment with a speedy and inexpensive method of obtaining protection orders preventing unwanted contact between the victim and the harasser. "Unlawful harassment" is defined as a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses such person, and which serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause such distress to the victim. A set of factors the court must consider in deciding whether the conduct serves any legitimate or lawful purpose is provided. Nothing in the chapter is to be construed to infringe on any constitutionally protected right, including freedom of speech and freedom of assembly.

A victim of unlawful harassment may petition the superior courts for a civil antiharassment protection order. At the time the petition is filed, the victim can request the court to issue a temporary antiharassment protection order to remain in effect for up to 14 days.

A hearing must be held on the victim's petition within 14 days after it is filed. If the court finds that unlawful harassment has taken place, it shall issue a civil antiharassment protection order which can remain in effect for up to one year.

A respondent who willfully disobeys an antiharassment protection order is guilty of a gross misdemeanor and may be subject to contempt of court penalties. The municipal and district courts have jurisdiction of any criminal actions brought under this chapter.

In granting antiharassment protection orders, the court is given broad discretion to grant relief, including orders restraining the respondent from contacting or following the petitioner and requiring the respondent to stay a stated distance from the petitioner's residence or work place.

A petitioner may not obtain a third temporary antiharassment protection order if the petitioner has previously obtained two such orders but has failed to obtain a permanent antiharassment protection order unless good cause for such failure can be shown.

Votes on Final Passage:

Senate	47	0	
House	86	11	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 26, 1987

SSB 5143

PARTIAL VETO

C 404 L 87

By Committee on Judiciary (originally sponsored by Senators Talmadge, Newhouse and Kreidler)

Exempting the contents of public employment applications and the addresses and phone numbers of natural persons from public disclosure.

Senate Committee on Judiciary
House Committee on Constitution, Elections & Ethics

Background: Washington's public disclosure laws require that public records be open for public inspection. Agencies are required to make their copying facilities available to the public to the extent that agency operations are not unreasonably disrupted. Certain types of records are exempt from public inspection and copying. These exemptions do not apply if the protected information can be deleted from the specific records sought, or if the superior court finds, after a hearing, that the exemption is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

There is currently uncertainty as to the extent of an individual's right of privacy with respect to the disclosure of public records. A recent Supreme Court decision, In Re Rosier, 105 Wn.2d 606 (1986), held that there is no privacy interest in the disclosure of names and addresses unless the context of the disclosure reveals information of a personal or unique nature. Subsequently, a lower court decision, citing Rosier, allowed for the release of the requested addresses of library employees and applicants. The primary concern

is that such disclosure may, in certain circumstances, jeopardize the safety of public employees, particularly in those situations involving domestic violence or harassment.

Summary: All applications, resumes, and other related materials submitted for public employment, other than executive positions, are exempt from public inspection and copying.

Applications and resumes of persons who apply for executive positions are available for public inspection and copying unless the agency: (1) adopts a policy requiring the preparation of a list of applicants who submit information in addition to that requested in the original application; and (2) makes that list, together with applications and resumes, available for public inspection when selected and at least five days before it makes its final selection.

"Executive position" means any position which primarily consists of the management of the public agency by which the person is employed or of a customarily recognized department.

The following are also exempt from public inspection and copying: (1) the residence addresses and telephone numbers of employees or volunteers of a public agency held in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers; and (2) the residence addresses and telephone numbers of utility customers contained in records of the public utilities.

A positive duty to disclose or a positive duty to withhold information that is contained in any other law is not affected by these provisions.

Votes on Final Passage:

Senate	46	0	
House	95	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 26, 1987

Partial Veto Summary: The provisions that make applications and resumes of persons who apply for executive positions available for public inspection and copying are deleted. (See VETO MESSAGE)

SSB 5144

C 45 L 87

By Committee on Agriculture (originally sponsored by Senators Hansen, Barr and Gaspard; by request of Department of Agriculture)

Modifying regulation of fertilizers and pesticides.

Senate Committee on Agriculture

House Committee on Agriculture & Rural Development

Background: The Department of Agriculture administers and enforces the Commercial Fertilizer Act and the Washington Pesticide Application Act. Since 1967 there have been no amendments to the Fertilizer Act, and as the fertilizer industry has progressed and developed, the Act has become outdated and cumbersome to administer. To conform to the American Association of Plant Food Control Officials (AAPFCO) Uniform Fertilizer Bill, provisions of the Act need updating and clarification. Further, contemporary issues, including ground water contamination, need to be addressed.

Summary: The provisions and definitions of the Commercial Fertilizer Act are updated in keeping with the AAPFCO Uniform Fertilizer Bill. The Director of the Department of Agriculture has authority to adopt rules for administering the Act, including regulation of the use and disposal of fertilizer for the protection of ground and surface water. A civil penalty of up to $1,000 may be imposed on persons failing to comply with the chapter, or rules adopted under it. Requirements for labeling, reporting, registration of brands and inspection fees are clarified.

Misbranded or adulterated fertilizer may not be sold, and if there is reasonable cause to believe the sale of fertilizer is violating any provisions, the Department may take control over the fertilizer and, after a hearing, cancel the registration of that brand.

Under the Washington Pesticide Application Act, the Director of the Department of Agriculture has authority to adopt rules fixing and collecting examination fees and establishing the testing procedures, licensing classifications and requirements for licenses and permits.

Pesticide applicators need not keep records on the person who supplied the pesticide which was applied.

Votes on Final Passage:

Senate	48	0	
House	95	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 26, 1987

SB 5146

C 50 L 87

By Senators Smitherman, von Reichbauer, Tanner, Zimmerman and Bauer

Authorizing life insurance coverage for port district commissioners.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: Port commissions have authority to provide various benefits for port district employees, including life insurance. If a port district provides insurance benefits for its employees, it may provide health, accident, business travel, and errors and omissions insurance for its commissioners. There is no provision authorizing a district to provide life insurance for its commissioners.

Summary: A port district which provides insurance benefits in any manner for its employees may provide life insurance coverage for its commissioners. The amount of coverage is not to exceed that provided district employees. Any life insurance provided for commissioners is not considered compensation.

Votes on Final Passage:

Senate	46	0
House	81	11

Effective: July 26, 1987

SB 5148

C 60 L 87

By Senators Halsan, Zimmerman, Rasmussen, Newhouse, Garrett, Pullen, Conner, Bauer, McCaslin, DeJarnatt, McDonald, Bluechel, Kreidler, Nelson, Tanner, Stratton, Wojahn, Barr, Lee, Gaspard, von Reichbauer, Moore, Cantu and Deccio; by request of Department of Services for the Blind

Continuing the department of services for the blind.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The Department of Services for the Blind was created in 1983 from the former Commission for the Blind following a sunset review. The enabling legislation scheduled the Department for another sunset review, with a termination date of June 30, 1987.

In the follow–up report of November 1986, both the Legislative Budget Committee and the Office of Financial Management recommended that the Department be continued indefinitely and that it be removed from further sunset review.

Summary: The section of law scheduling the Department of Services for the Blind for termination under the sunset process is repealed.

Votes on Final Passage:

Senate	48	0
House	96	0

Effective: July 26, 1987

SB 5149

C 43 L 87

By Senators Conner, DeJarnatt, Tanner, Owen, Newhouse and von Reichbauer; by request of Office of the Administrator for the Courts

Authorizing the court of appeals to hold sessions in certain additional cities.

Senate Committee on Judiciary
House Committee on Judiciary

Background: The Court of Appeals currently holds sessions in Seattle, Everett, Bellingham, Tacoma, Vancouver, Spokane, Yakima, Richland, Wenatchee and Walla Walla. For reasons of public convenience and education, it has been suggested that the Court of Appeals hold sessions in additional cities. Parties to lawsuits from the additional cities, and their counsel, will not be required to travel so far in order to hear argument and a greater portion of the public will be able to observe the appellate process.

Summary: The Court of Appeals has the authority to hold sessions in any city it designates by rule.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: July 26, 1987

SSB 5150

C 192 L 87

By Committee on Ways & Means (originally sponsored by Senators Gaspard, Johnson, Vognild, Warnke, Saling, Nelson, Lee, Garrett, von Reichbauer and Moore)

Providing for the portability of public pension benefits.

Senate Committee on Ways & Means
House Committee on Ways & Means

Background: Legislation has been enacted providing for transfer of service from one state retirement system to another under limited criteria. Other than through such legislation, a public service career may be completed with the retirement benefit received from the earlier system not reflecting the career compensation.

Summary: Benefits earned in the following Washington retirement systems are to reflect the portability benefit: Teachers'; Public Employees; State-wide City Employees'; First Class Cities (Seattle, Spokane and Tacoma); and State Patrol. Excluded are retirement systems for judges, police and fire and those systems established by institutions of higher education for faculty and certain other employees. The first class cities must, by resolution, request coverage prior to January 1, 1988, and the Legislature must enact legislation granting such coverage.

Two new categories of average final compensation (AFC) are created: (1) The "prior system average final compensation" is the AFC used to calculate the benefit in any prior system in which membership is held. The prior system AFC is calculated using either (a) the compensation earned in the prior system, or (b) the "base salary" (i.e., salary and wages for personal services, excluding overtime lump sum payments and other enumerated compensation) of the current system, whichever produces the greater benefit. (2) The "current system average final compensation" is the AFC used to calculate the benefit in the system in which membership is held at retirement and consists of either the AFC used in the current system or the base salary from a prior system, whichever produces the higher benefit.

The portability benefit provided is the sum of: (a) The service benefit received under the current system using the current system AFC; and (b) service benefit(s) received under prior systems determined by multiplying the prior system AFC by the percentage factor and the service earned.

For example, a member may have 8 years service in PERS I with the AFC for that period at $8,000, and 22 years in TRS I with the AFC at $25,000. Both systems have the same benefit formula: Service X AFC X 2.0%. Without portability the member would receive a total annual benefit of $12,280 comprised of $1,280 from PERS (8 X $8,000 X 2.0%) and $11,000 (22 X $25,000 X 2.0%) from TRS. With the portability benefit, the member would receive a total annual benefit of $15,000 comprised of $4,000 from PERS (8 X $25,000 X 2.0%) and $11,000 from TRS.

To be eligible for the portability benefit the person must be a dual member (hold membership in two or more retirement systems) on or after July 1, 1988, and not retired based on service from any prior system.

When the member terminates employment and is eligible for service retirement under any system in which membership is held, such member may commence receiving the portability benefit. If, however, the member would not be eligible to receive a service retirement absent portability, the service retirement allowance will be actuarially reduced from the earliest age the combined services would have made the member eligible. This actuarial reduction may be avoided by deferring receipt of the allowance until fully eligible.

If a member has withdrawn contributions from a prior system, a restoration period is provided. This period is two years from either the date of establishing dual membership or prior to retirement, whichever occurs first.

Each system from which a benefit is received will pay its portion of the benefit and any deductions from the retirement allowance authorized by that system will be made according to the provisions of that system. Each system will pay any post-retirement adjustments based on the payments made by that system.

The surviving spouse of a dual member will receive the same benefit the member would have received if the member were active at the time of death in the prior system in which membership is held.

The portability benefit shall neither result in a total benefit less than would have been received absent portability, nor be more than the benefit which would would have been received if all service were in a single system in which membership is held.

The portability benefit is not to be construed as a matter of a contractual right and the benefit may be altered or abolished by the Legislature at any time prior to a member's retirement.

The provisions on estoppel of membership when retired are amended to exclude dual members.

Language is added to clarify PERS I eligibility.

Votes on Final Passage:

Senate	34	14	
House	93	0	(House amended)
Senate	39	10	(Senate concurred)

Effective: July 1, 1987 (Section 5)
July 1, 1988

SSB 5155

C 100 L 87

By Committee on Education (originally sponsored by Senators Bluechel and Gaspard)

Compensating school districts for financial losses due to the transfer or annexation of territory.

Senate Committee on Education
House Committee on Education

Background: Current State Board of Education rules do not establish a uniform date for approval or disapproval of transfers of school district territory; provide no uniform effective date for transfers of school district territory; and state law does not permit the Board to consider prior approved excess tax levies when considering adjustments of the assets and liabilities of districts affected by the transfer of territory between the districts.

Summary: The State Board of Education is required to approve the transfer of school district territory not later than March 1 of any given year. Implementation of the transfer begins at the start of the following school year. Districts may implement an earlier date by a written agreement between the respective boards of directors.

The State Board of Education is to consider excess tax levies when adjusting the assets and liabilities of school districts affected by a proposed transfer of territory between school districts.

A school district affected by a transfer of territory shall retain its preexisting boundaries for the purpose of the collection of excess tax levies authorized before the effective date of the transfer. For all excess tax levies authorized subsequent to the effective date of the transfer the boundaries of the affected districts shall be modified to recognize the transfer of the territory.

Votes on Final Passage:

Senate	47	0
House	96	0

Effective: July 26, 1987

SB 5159

C 368 L 87

By Senator DeJarnatt

Revising the reimbursement formula for the Puget Island–Westport ferry.

Senate Committee on Transportation
House Committee on Transportation

Background: Wahkiakum County owns and operates a ferry between Puget Island and Westport, Oregon. This system provides the only crossing of the Columbia River between the Astoria–Megler bridge and the Longview bridge.

This ferry service is beneficial to the state highway system by providing a bypass for State Route 4; the Department of Transportation is authorized to reimburse Wahkiakum County for 60 percent of any deficit incurred during the previous fiscal year.

Summary: Beginning with the fiscal year ending June 30, 1987, the Department of Transportation is to reimburse Wahkiakum County for 80 percent of any operating and maintenance deficit. Fares established by Wahkiakum County for the Puget Island ferry are required to be comparable to the fares for similar state ferry system routes.

Votes on Final Passage:

Senate	40	5	
House	93	3	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	41	7	(Senate concurred)

Effective: July 1, 1987

SB 5160

C 236 L 87

By Senators Tanner, Wojahn, Stratton, Kreidler, Vognild, Lee and Moore

Providing for the promulgation of regulations on poisons and hazardous substances.

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

Background: During the 1981–83 biennium, the Department of Agriculture lost state and federal funding to enforce the Washington Poison Prevention Act (Chapter 70.106 RCW). Enforcement of the drug and cosmetic portions of the act has been on a complaint basis since that time. The act requires certain precautionary packaging and labeling standards for household substances which may injure children. The substances controlled under the act include "hazardous substances"; pesticides; food, drugs and cosmetics; certain fuels and other items as designated by rule-making procedure.

Summary: Chapter 70.106 RCW is amended to allow the Department of Agriculture to designate enforcement authority to the Board of Pharmacy regarding substances that are drugs or cosmetics. An identical designation of enforcement authority between the Department of Agriculture and the Board of Pharmacy exists in the Food, Drugs and Cosmetics Act (RCW 69.04.730).

Votes on Final Passage:

Senate	46	0
House	96	0

Effective: July 26, 1987

SB 5161

C 70 L 87

By Senators Wojahn, Stratton, Kiskaddon, Deccio, Kreidler, Johnson, Anderson and Tanner

Revising the purchasing authority for state hospitals for the mentally ill.

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

Background: The Department of General Administration purchases all materials, supplies, services, and equipment for state agencies, state institutions, community colleges, colleges, universities, state elected officials, state agencies, the Supreme Court, and the appellate courts. The state universities operating hospitals may make purchases through nonprofit hospital cooperative service organizations. This has resulted in reduced costs. The two state mental hospitals and health care programs in correctional and veterans' institutions are not authorized to purchase directly from nonprofit hospital cooperatives.

Summary: The Department of General Administration is given the authority to purchase materials, supplies, and equipment in cooperation with nonprofit hospital cooperative service organizations for Western State and Eastern State Hospitals, and correctional and veterans' institutions.

Votes on Final Passage:

Senate	44	0
House	96	0

Effective: July 26, 1987

SSB 5163

C 467 L 87

By Committee on Human Services & Corrections (originally sponsored by Senator Wojahn)

Changing provisions relating to midwives.

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

Background: The Legislative Budget Committee (LBC) conducted a sunset review of the Midwifery Advisory Committee, including those functions of the Department of Licensing relating to midwifery (Chapter 18.50 RCW). Midwifery is defined as the care of women before, during, and immediately following childbirth. The review concluded that significant public health and safety risks are associated with the misdiagnosis and mistreatment of many pregnancy related conditions. The Legislative Budget Committee recommended that the state continue licensure of this profession.

Summary: The Department of Licensing, in consultation with the Department of Social and Health Services and the Midwifery Advisory Committee, is directed to conduct a study to analyze birth outcomes by non-licensed practitioners, and to determine the role of non-licensed practitioners in the provision of maternity services in the state. The results of the study shall be presented to the Legislature in January, 1988.

The Midwifery Advisory Committee is reauthorized. Vitamin K and Rho immune globulin (human) are added to the statutory list of drugs midwives may use. The Department of Licensing is directed to establish rules to grant credit toward licensure for documented deliveries and relevant experience of unlicensed midwives or midwives licensed in other states.

The Director of Licensing, after consultation with representatives of the Midwifery Advisory Committee, the Board of Pharmacy and the Medical Examiner Board, is directed to issue regulations which authorize licensed midwives to purchase and use legend drugs and devices in addition to those already authorized in statute.

The length of the terms of the members of the Midwifery Advisory Committee is extended from two to five years.

Technical changes are made to the chapter to clearly define a licensed physician.

During any biennium, the Department of Licensing may not increase fees for midwives by more than $100 or 50 percent, whichever is greater.

Votes on Final Passage:

Senate	46	0	
House	98	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	92	0
Senate	45	0

Effective: July 26, 1987

SB 5164

C 90 L 87

By Senators Williams, Stratton, Tanner, Bauer, Bender, Conner, DeJarnatt, Halsan, Hansen, Talmadge, Garrett, Gaspard, Rasmussen, Wojahn, Owen, Smitherman, Rinehart, Peterson and Moore

Establishing an interstate agreement on the transportation of radioactive materials.

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

Background: The federal government regulates many aspects of the transportation of radioactive material. The states, however, remain responsible for emergency response and vehicle inspection and may enforce other regulations not in conflict with federal law.

Vehicle inspection requirements and procedures vary from state to state. The emergency response capability of local and state governments differs both between states and within the same state. In some border areas, agencies from neighboring states are prepared to cooperate on emergency response. However, specific mechanisms for coordinated response to a transportation accident could be strengthened.

Federal regulators and the transport industry have challenged some state regulation of hazardous material transport, including some permit and fee systems, as burdensome to interstate commerce. The potential burdens on commerce and the likelihood of a preemption challenge increase as each state develops its own regulatory scheme. The U.S. Department of Transportation and U.S. Department of Energy have recommended that states develop multi-state agreements for permit systems and cooperative inspection and enforcement.

Summary: A committee comprised of state officials from neighboring states is established. The committee is directed to develop model regulatory standards to coordinate the routing and inspection of shipments of radioactive material. The committee is also directed to develop a means to coordinate emergency response regionally and to discuss regional cooperation and coordination for the transportation of hazardous waste and other hazardous materials. The Governor is directed to appoint the state's designee to the interstate committee.

Votes on Final Passage:

Senate	43	5
House	83	15

Effective: July 26, 1987

SSB 5170

C 35 L 87

By Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Gaspard, Bauer, Bailey, Benitz and Patterson)

Changing provisions relating to agricultural fees and assessments.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: Nursery dealers are regulated by the Department of Agriculture. Nursery dealer licenses are required and the fees for such licenses are set by statute. Retail licenses range from $25 to $100 based on gross business sales. Wholesale licenses range from $50 to $100 based on gross business sales. The statute delineates the necessary license if both retail and wholesale business is conducted on the premises. Gross business sales are determined either by an estimate for new licensees or on the preceding year's sales for existing licensees.

In addition to the license fees, an annual assessment of 1 percent is levied on the gross sale price of the wholesale market for all fruit trees, fruit tree seedlings, and fruit tree root stock sold within the state or shipped from the state by a licensed nursery dealer. The Director may, after a hearing, reduce the assessment from 1 percent to meet the costs of the fruit tree certification and nursery improvement programs.

All money collected except assessments and penalties are paid into the nursery inspection fund. Such funds may only be used for the administration and enforcement of the horticultural inspection and testing programs, provided that all fees collected for fruit tree, fruit tree seedlings, and fruit tree root stock shall be deposited in the northwest nursery fund and used solely for the fruit tree certification and nursery improvement programs.

The funds involved here are derived from horticultural products and the benefits of the horticultural inspection and testing program relate directly to the fruit tree industry. Representatives of this industry have recommended some changes which will help in the improvement and certification of fruit trees.

Summary: License fees and assessments shall be established by the Director in accordance with the Administrative Procedure Act rather than set forth in the statute. The schedule of fees for retail and wholesale nursery dealer licenses is to be based on retail or wholesale sales and shall have categories which reflect gross business sales which are above or below $2,500.

Fees are to be based on an estimate of sales for the ensuing year.

The Department of Agriculture is given the authority to audit licensees for purposes of both the license fees and the assessment on sales. The products upon which an assessment is levied is expanded to include all root stock used for fruit tree propagation.

Funds collected shall be deposited in the agricultural local fund and no appropriation is needed for disbursing money from this account. Any residual balance in the nursery inspection fund on the effective date of this act shall be transferred to an account within the agricultural local fund.

In addition to the fruit tree certification and improvement programs, the Director may, with advice from the advisory committee, expend up to 50 percent of the fees collected annually for testing and improvement of fruit trees. The northwest nursery fund balance shall not fall below the combined cost of the program for the previous two years.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate	43	0	(Senate concurred)

Effective: July 26, 1987

SB 5172

C 281 L 87

By Senators Talmadge, Nelson, Halsan, Hayner, Newhouse and Moore

Revising provisions relating to victims and witnesses of crimes.

Senate Committee on Judiciary
House Committee on Judiciary

Background: Until June 30, 1987, whenever a person is found guilty of a crime or whenever a person accused of a crime posts bail, and thereafter forfeits such bail, penalty assessments are imposed. A portion of the assessment is paid into a fund maintained for the support of comprehensive programs for crime victims and witnesses. Victims of crimes are entitled to compensation for bodily injury or death through the Department of Labor and Industries. Victims of vehicular assault or vehicular homicide, however, are entitled to receive benefits only if the offender is convicted of those crimes. After June 30, 1987, penalty assessments cease and each county or city is required to continue to provide for such comprehensive programs.

Whenever restitution is ordered as part of a sentence pursuant to a criminal conviction, such restitution is to be based upon easily ascertainable damages for injury to or loss of property, actual medical expenses, and lost wages, but not upon intangible losses such as pain and suffering or mental anguish.

Summary: Comprehensive victim–witness assistance programs are continued. The basis for determining the amount of restitution to be paid by a convicted offender shall include the cost of counseling when it is reasonably related to the offense committed.

The standard of proof required to be met before a victim of vehicular homicide is entitled to compensation benefits is lowered from conviction to a preponderance of the evidence that the victim's injury or death was caused by the offender. In situations where a probable criminal defendant has died in perpetration of a vehicular assault or is unable to stand trial due to physical or mental infirmity, benefits may be authorized after establishing by a preponderance of the evidence that a vehicular assault had occurred.

Except for authorized medical benefits, no more than $15,000 may be granted as compensation from the Department of Labor and Industries for permanent partial disability resulting from a single injury or death. Benefits for permanent total disability or death resulting from a single injury shall not exceed $20,000. Benefits payable for total temporary disability shall be limited to $10,000.

Votes on Final Passage:

Senate	48	0	
House	95	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	97	0	
Senate	43	0	

Effective: June 30, 1987

SSB 5174

C 29 L 87

By Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Gaspard, Bauer, Anderson, Bailey, Warnke, Lee and von Reichbauer)

Allowing the state investment board to invest in Washington land bank.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: In 1986 the Legislature created the Washington Land Bank as a borrower–owned land bank patterned after the federal land bank. The objective of the bank is to loan money to farmers and ranchers based on the long–term productivity of their land rather than short term cash flow.

The Washington Constitution prohibits the lending of state credit; thus, state sources of funding cannot be used to finance the land bank.

Summary: The State Investment Board is encouraged to consider investing money in the Washington Land Bank. Deferrals of principal and/or interest which were allowed in the 1986 legislation are still allowed only if approved by the Washington Land Bank.

Votes on Final Passage:

Senate	47	0
House	96	0

Effective: July 26, 1987

SB 5178

C 243 L 87

By Senators Moore, Metcalf, Bender, Johnson, Smitherman, Pullen, Newhouse and Fleming

Authorizing limited commodity brokers license and providing additional exceptions to RCW 21.30.020.

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

Background: The 1986 Commodities Act authorizes the Securities Administrator to regulate all transactions in precious metals which constitute commodities contracts. A commodities contract exists if physical delivery of precious metals occurs beyond 28 days of payment of any portion of the purchase price. A seller of precious metals engaging in commodities contracts is regulated as a commodities broker–dealer and is subject to registration and compliance provisions which include minimum net capital requirements, surety bond requirements, and detailed reporting requirements.

Representatives of the precious metals industry in Washington have expressed serious concern that the cost of registration and compliance is disproportionate to the earnings of the average precious metals dealer and could force dealers to quit the business or alter selling procedures to avoid the purview of the act. Additional concern has been expressed that the statutory definition of a commodities contract does not account for delays in the primary or wholesale markets, over which the seller has no control, but that may affect the date on which the buyer is able to take physical delivery.

Although regulations have been adopted which reduce the cost of registration and compliance for qualifying precious metals dealers, statutory relief is sought in this area, as well as that of delivery dates and fee structures.

Summary: An exemption from registration is created. A person claiming the exemption must file notice and must meet the following criteria: (1) 100 percent of the purchase price for transactions in commodities must be received within ten days from the contract of sale; (2) only 25 percent of commodity transactions in a single year may constitute commodity contracts or commodity options; (3) gross profits on commodity contracts or commodity options may not exceed $500,000 in the year immediately preceding the year in which the exemption is claimed, or $1,000,000 in the two years immediately preceding the year in which the exemption is claimed; and (4) property and casualty insurance must be maintained in an amount sufficient to cover the value of commodities stored for customers.

A person must renew his or her claim of exemption every two years.

Votes on Final Passage:

Senate	44	1	
House	93	3	(House amended)
Senate	49	0	(Senate concurred)

Effective: July 26, 1987

SSB 5179

C 72 L 87

By Committee on Governmental Operations (originally sponsored by Senators Rinehart, Saling, Halsan, Johnson, Warnke and Lee)

Increasing the authority of certain agencies to use local private printing companies.

Senate Committee on Governmental Operations
House Committee on State Government

Background: Institutions of higher learning, agencies of the Department of Social and Health Services (DSHS) not at Olympia or the Supreme Court or Court of Appeals may have printing or binding done by a private printing company, if the estimated cost does not exceed $200.

There is no statutory provision for this spending limit to be automatically adjusted in the future.

Summary: Any institution of higher learning or agency of DSHS not at Olympia or the Supreme Court or Court of Appeals may have printing or binding done by a private printing company, if the estimated cost does not exceed $1,000.

The dollar limit specified for use of private printing companies by the above agencies is adjusted every odd numbered year to reflect inflation during the prior two years. The adjustment is calculated by the Office of Financial Management. The first adjustment will be made July 1, 1989.

Printing needed by an institution of higher education which is to be paid for by a nonstate funding source may be done by a private printing company, regardless of the estimated cost. This is subject to the officer of the institution making a judgment that the savings in time or cost justify the award to a private company.

Votes on Final Passage:

Senate	48	0	
House	95	1	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 26, 1987

SSB 5180

C 81 L 87

By Committee on Governmental Operations (originally sponsored by Senators Rinehart, Saling and Stratton)

Raising the maximum dollar amount that may be spent for state purchases without competitive bidding.

Senate Committee on Governmental Operations
House Committee on State Government

Background: All state agencies, except educational institutions in some instances, must utilize competitive sealed bidding procedures for purchases exceeding $2,500. Universities and colleges are not required to utilize competitive sealed bidding procedures for purchases not exceeding $5,000 when purchasing equipment and materials used for research. Quotations from $400 to $2,500 or $5,000 are required from enough vendors to assure a competitive price on purchases not subject to competitive sealed bidding procedures.

Purchases by universities for hospital operations are exempt from formal bidding procedures when participating in contracts for materials, supplies and equipment entered into by cooperative hospital service organizations.

Summary: Purchases not exceeding $5,000 are exempt from formal sealed bidding procedures. Quotations to assure competitive prices are required from $400 to $5,000. These quotations may be obtained by telephone or by written quotation and must be recorded and open to public inspection.

The dollar limit over which competitive sealed bids are required must be adjusted every odd numbered year to reflect the federal inflationary index. The adjustment is made by the Office of Financial Management beginning July 1, 1989.

Purchases by universities for biomedical teaching or research purposes are included in those exempt from formal bidding procedures when participating in contracts entered into by cooperative hospital service organizations.

Votes on Final Passage:

Senate	48	0	
House	96	1	(House amended)
Senate	49	0	(Senate concurred)

Effective: July 26, 1987

SSB 5181

C 385 L 87

By Committee on Judiciary (originally sponsored by Senator Tanner)

Prohibiting the dumping of trash in charitable donation receptacles.

Senate Committee on Judiciary
House Committee on Environmental Affairs

Background: Charitable organizations provide receptacles for donations of items of value. Concern exists that people are utilizing these receptacles as convenient containers for their refuse. The charities are then required to dispose of the litter in a proper manner, which is both very expensive and time consuming.

Summary: It is a misdemeanor to dispose of any trash, garbage or litter in or around a receptacle provided for donations by a charitable organization. "Trash" is described as items that have deteriorated to the extent that they are no longer of monetary value or of use for the purpose they were intended. The term "garbage" includes any organic matter.

The charitable organization must post a clearly visible notice on the receptacles informing the public of this prohibition and the penalties for its violation. The charitable organization must also post a general identification of the items which are appropriate for deposit in the receptacle.

The fine for violating the provisions of this section is not less than $50 for each offense. The charitable organization which maintains the donation receptacle may seek to collect damages through a civil action. For a second or subsequent violation, treble damages may be awarded, but in no event will damages be less than $200.

If any provision of the act or its application to any person or circumstance is held to be invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Votes on Final Passage:

Senate	48	0	
House	95	0	(House amended)
Senate	43	0	(Senate concurred)

Effective: July 26, 1987

SSB 5191

C 249 L 87

By Committee on Governmental Operations (originally sponsored by Senators Kreidler and Warnke)

Redesignating the commission on Mexican–American affairs.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The Commission on Mexican–American Affairs was established in 1971 to address the unique and special problems of the Mexican–American and Spanish speaking populations. The Commission is also to assist this group in obtaining governmental services and to insure their participation in business, government and education.

The Commission consists of 11 members appointed by the Governor and includes two members from the Spanish speaking population and four members from the Mexican–American community as well as certain occupational representation.

Summary: The Commission is redesignated the Washington State Commission on Hispanic Affairs, with references to Mexican or Spanish speaking Americans changed to Hispanic as appropriate.

The Commission remains at 11 members, but includes three members of Hispanic origin who are not Mexican–Americans, and three members from the Mexican–American community.

The Executive Secretary is redesignated Director. A sunset termination clause is added for 1996, with appropriate repealers to take effect in 1997.

Technical amendments expand the designation of the member from "professional services" to be a person who is a professional from the business community, government employment, or public service, and obsolete dates for original appointments are stricken.

Votes on Final Passage:

Senate	46	0	
House	95	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 26, 1987

SSB 5193

C 20 L 87

By Committee on Natural Resources (originally sponsored by Senators Peterson, Sellar, Stratton and Barr)

Regulating mining on public lands.

Senate Committee on Natural Resources
House Committee on Natural Resources

Background: The Department of Natural Resources leases state lands for mining exploration and development. There is concern that with increased interest in mining and recreational prospecting, the state needs to clarify the Department of Natural Resources' authority to ensure environmental protection and provide a workable leasing process. Existing procedures are cumbersome and there is inadequate authority for the Department to reject applications for mining on state lands that are also managed for other purposes such as agriculture and timber production. Investigation of sites is conducted as part of the Environmental Policy Act inspection process.

Summary: The Department of Natural Resources is authorized to issue permits and leases for prospecting and mining valuable minerals. Excluded from mineral leases are surface resources and energy commodities.

The Department may: (1) Issue placer mining contracts at public auction; (2) reject an application and refund the fee; (3) promulgate rules for recreational mineral prospecting permits.

DNR no longer is to: (1) conduct a discretionary site investigation and report; (2) require a bond from the lessee; (3) require the first year's rental at time of application for a placer mining contract.

DNR state land leases and mining contracts shall include the language established by law in 1911 which ensures compensation to surface owners for any damages. The term of prospecting leases is extended from a maximum of two years to a maximum of seven years. The statutory minimum allowed for lease is 640 acres or an entire government surveyed section.

A mining contract must be obtained prior to the commencement of commercial mining. A deadline is established for filing an application to convert a prospecting lease to a mining contract and the period for filing is extended from 60 to 180 days. The term of a mining contract is 20 years. The term of the prospecting lease need not be deducted from the term of the mining contract.

The lessee's obligation to make satisfactory arrangements with the holder of surface interests prior to commencing operations is clarified. The lessee is required to submit a plan of development including a reclamation plan as part of the application. Land must be reclaimed after prospecting or mining is completed. Lessees must pay for any timber removed from the leased premises.

The lessee may apply for a renewal of a mining contract within 90 days of the expiration date of the contract. The Department shall investigate to determine if the terms of the contract have been followed. If there is compliance, DNR shall renew the contract with the original terms except that royalty rates are reset based on the rates established by law at the time of renewal.

The lessee has the right to terminate a contract with written notice to the Department and submission of information obtained during the prospecting period. The contract will terminate 60 days after notice if all arrears and sums due to the Department have been paid. The lessee must remove improvements within 60 days after termination unless DNR grants an extension.

The Board of Natural Resources: (1) Sets lease rental rates and policy; (2) authorizes the amount of annual prospecting work; (3) may provide payment of money in lieu of work for up to three years of the seven year lease; (4) sets the minimum amount of annual development work; (5) sets fees for recreational prospecting permits.

The state retains all rights for removal and sale of surface resources, timber, rock, gravel, sand, silt, coal and hydrocarbons except for minerals covered by the prospecting lease or mining contract.

Votes on Final Passage:

Senate	47	0
House	94	2

Effective: July 26, 1987

SB 5194

C 189 L 87

By Senators Talmadge and Newhouse; by request of Department of Licensing

Revising fees under the Uniform Commercial Code.

Senate Committee on Judiciary
House Committee on Judiciary

Background: Current Uniform Commercial Code provisions specify the dollar amount of fees for filing security interests, financing statements, statements of release, statements of assignment, and for obtaining debtor's certificates. They do not allow the Department of Licensing to recoup the expenses incurred when farmers and agricultural lenders use the Department's field computers. Also, they do not allow the Department to charge fees for the filing of processor or preparer liens.

Summary: The statutory dollar amounts are eliminated and the Department of Licensing is given authority to promulgate rules that prescribe standard filing forms, fees, and uniform procedures. The Department is also given rulemaking authority to devise a system for recouping the phone and computer access charges the Department incurs when the public uses its field computers.

Votes on Final Passage:

Senate	45	1
House	94	1

Effective: July 26, 1987

SSB 5196

C 51 L 87

By Committee on Financial Institutions (originally sponsored by Senators Moore, Bender and Metcalf; by request of Insurance Commissioner)

Providing civil immunity for certain actions relating to insurance.

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

Background: The Insurance Commissioner has a consumer protection division which investigates complaints against the insurance industry, when those complaints are made by a named individual. However,

a large number of complaints remain uninvestigated each year because they are made anonymously. The fear of civil reprisal against the complainant by either the company or the individual named in the complaint is viewed as a main reason for anonymity. Similar fears exist when the National Association of Insurance Commissioners meets annually to discuss general problems and complaints within the insurance industry. Specific problem areas and individuals are discussed, but generally only by those commissioners and employees from states already having statutory immunity in existence.

Summary: Immunity from civil action is available to individuals providing information required by, requested by, or useful to either the Commissioner or the National Association of Insurance Commissioners, unless actual malice, fraud or bad faith is shown. Immunity is extended to the Insurance Commissioner, the National Association of Insurance Commissioners, and their respective agents and employees. Publication and discussion of specific consumer complaints is permitted, provided the publication or discussion takes place without malice and in good faith. The act supplements any current statutory and common law privileges and immunities.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: July 26, 1987

SB 5197

C 12 L 87

By Senators Gaspard, Rinehart, Saling, Bender, Peterson, Stratton, Conner, Bauer, von Reichbauer and Moore

Establishing the community college international student exchange program.

Senate Committee on Education
House Committee on Higher Education

Background: In 1945 the Legislature created the first Foreign Student Scholarship Program, which authorized the University of Washington and Washington State College (University) to award up to 50 scholarships (or waivers) to students or graduates of universities or colleges of friendly foreign nations, and exempted such recipients from paying tuition, library, and incidental fees. That law required reciprocal privileges for a similar number of Washington students or graduates studying abroad. In the years since, the program has been revamped several times, most significantly in 1979 when it was expanded to permit the three regional universities and The Evergreen State College each to award up to 20 foreign student waivers.

In 1982 the foreign student program was repealed, but provisions for its continuation were provided within the waiver program that allows each of the four-year schools to award waivers of no more than 4 percent of estimated total collections from tuition and services and activities fees. Each local governing board was given explicit authority to award up to 1/4 of its 4 percent waiver program to non-needy students, which could include foreign students.

In 1986 the Legislature created the foreign student waiver program. Regents at the research universities were granted authority to waive tuition and services and activities fees for up to the equivalent of 100 full-time undergraduate or graduate students of foreign nations. Trustees at the regional universities and The Evergreen State College were granted authority to waive tuition and services and activities fees for up to the equivalent of 20 undergraduate or graduate students of foreign nations.

Students selected for waivers are, to the greatest extent possible, to reflect the range of socio-economic and ethnic characteristics of the students' institutions and native countries. Priority for waivers is assigned to students on academic exchanges or academic programs sponsored by recognized international education organizations. These waivers shall promote reciprocal placements and waivers in foreign nations for Washington residents, and the number of waivers shall not exceed the number of that institution's own students enrolled in approved study programs abroad during the same period. Recipients of foreign student waivers are not eligible for any other waivers, and the waivers granted are not subject to the 4 percent limitation on tuition waivers.

Summary: The community college international student exchange program is established to permit governing boards of Washington community colleges to waive the nonresident portion of tuition fees for undergraduate students of foreign nations. Waiver priority is given to students on academic exchanges and to those participating in special programs recognized through formal agreements between states, cities and other institutions.

The waiver program is designed to promote reciprocal placements and waivers in foreign nations for Washington residents. The number of foreign students granted resident tuition through this program shall not

exceed the number of that institution's own students enrolled in approved study programs abroad during the same period.

Participation in the waiver program is limited to 100 full–time students from throughout the state's community college system.

Votes on Final Passage:

Senate	46	0
House	96	0

Effective: July 26, 1987

SSB 5199

C 82 L 87

By Committee on Governmental Operations (originally sponsored by Senators Halsan, Zimmerman and DeJarnatt)

Establishing time limitation for port district boundary changes.

Senate Committee on Governmental Operations
House Committee on Trade & Economic Development

Background: Two port districts were established by election in September of 1986. For purposes of property taxation no levy shall be made for any taxing district whose boundaries were not established on the first day of March of the year in which the levy is made. These two port districts could not levy a tax in 1986 for collection in 1987.

Summary: For the purposes of property taxation and the levy of property taxes, the boundaries for port districts newly formed by election shall be the established official boundaries on the first day of October following formation. The applicability of the October date is limited to those newly formed port districts whose boundaries are coterminous with other taxing district boundaries established prior to the first day of March.

Votes on Final Passage:

Senate	48	0
House	96	0

Effective: July 26, 1987

SB 5201

C 426 L 87

By Senator Halsan; by request of Attorney General

Revising conflict of interest laws for state employees and officials.

Senate Committee on Governmental Operations
House Committee on Constitution, Elections & Ethics

Background: The state Executive Conflict of Interest Act applies to employees within the executive branch of state government, including members of commissions, boards or any other multi–member governing body of an agency. It prohibits certain conduct on the part of current and former state employees.

One statute within the Act prohibits a state employee from participating in transactions involving the state in which the employee may have an economic interest. Another statute prohibits a former state employee from assisting another person in any transaction involving the state in which the former employee participated during his state employment. Former state employees may not "appear" before the agency for which they worked within two years after leaving state employment.

The state Attorney General suggests that these provisions are ambiguous and difficult to enforce.

Summary: New language is added to the state Executive Conflict of Interest Act to clarify ethical restrictions concerning executive branch employees. Two statutes are repealed.

Compensation other than that prescribed by law may not be accepted by an executive branch employee. They may not be beneficially interested in any contract, sale, lease or purchase made by, through or under them, or for the benefit of their office. State employees, money or property may not be used for private benefit or gain.

Within one year after leaving state employment, a former executive branch employee may not accept employment with or receive compensation from a private business under certain circumstances. This restriction applies if, during the two years preceding termination of state employment, (1) the former state employee made discretionary decisions about the negotiation or administration of state contracts with the private business, if the contracts have a total combined value of at least $10,000, and (2) the former employee's duties within the business would include the fulfillment or implementation of the contracts. This restriction is not to be construed to prevent a state employee from accepting employment with a state employee organization.

A former executive branch employee may not accept an offer of employment or compensation from a private business if the former employee knows or has reason to believe that the offer was intended to be compensation for performance or nonperformance of a duty during the course of state employment.

The provision in current law prohibiting a former state employee from assisting another person in any transaction involving the state in which the former state employee participated during state employment is modified. The provision is not to be construed to prohibit employees or officers of state employee organizations from rendering assistance to state employees in the course of employee organization business. Former state employees may render free assistance to others on government–related matters if the assistance is limited to providing telephone numbers, providing transportation, obtaining and completing government forms, or providing assistance to the poor and infirm. In addition, former employees may assist, in transactions involving the state, close relatives, persons whom they are serving as legal representative, or current employees involved in disciplinary proceedings.

An existing exemption from prohibitions regarding former state employees is retained. It concerns employees who were required during state service to have been active members of the State Bar Association. The exemption enables these former employees to share in compensation received by another person (a partner in a law firm, for example) for assisting a third person in any transaction involving the state in which the former employee participated during state employment.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 26, 1987

SB 5204

C 58 L 87

By Senator DeJarnatt

Authorizing more than one hospital superintendent.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: Current law provides for the appointment of only one superintendent per hospital district. Unlike other hospital districts, Pacific County Public Hospital District No. 1 operates not one but two hospitals. The district would like to have one superintendent for each hospital.

Summary: If a public hospital district operates more than one hospital, the Public Hospital District Commission may appoint up to one superintendent per hospital.

Votes on Final Passage:

Senate	46	0
House	96	0

Effective: July 26, 1987

SB 5205

C 73 L 87

By Senators Newhouse, Talmadge, Benitz and Deccio

Revising provisions relating to judges pro tempore.

Senate Committee on Judiciary
House Committee on Judiciary

Background: In order for a judge tempore to preside over a case in superior court, he or she must be agreed upon in writing by the parties or the attorneys for the parties. It is suggested that when parties have previously agreed that a particular judge may hear a case, that judge should not be barred from continuing to hear the case as a judge pro tempore because he or she retires. Concern exists that to require a substitution of judges would result in disruption of the trial process, delay and lengthening of the trial itself.

Summary: A superior court judge who retires while a case in which the judge has made discretionary rulings is pending, may continue to hear the pending case as a pro tempore judge without any written agreement of the parties or their attorneys of record.

This act, allowing retiring judges to hear pending cases, shall take effect January 1, 1988 if Washington State voters approve and ratify the proposed companion constitutional amendment to Article IV, Section 7 of the Washington State Constitution at the next general election.

Votes on Final Passage:

Senate	46	2
House	95	2

Effective: January 1, 1988
(Pending approval of constitutional amendment by voters)

SSB 5206

PARTIAL VETO

C 323 L 87

By Committee on Judiciary (originally sponsored by Senator Talmadge)

Authorizing additional superior court judges.

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

Background: A Washington Superior Court Weighted Caseload Study was conducted in 1976 by the National Center for State Courts. An update of the weighted caseload study was performed in 1985 and 1986. The results of these studies have been used to help substantiate requests for additional judicial positions. These results indicate that 55.8 judges are needed in King County at the present time and that 2.9 judges are necessary in Douglas and Chelan Counties jointly.

Summary: The maximum number of superior court judges in King County increases by 7 judges for a total of 46. In the judicial districts of Douglas and Chelan Counties, the number of judges is increased by 1 to a total of 3. The addition of the judicial positions is conditioned upon the documentation, by the legislative authority in each county, of its approval and agreement that the expenses of the judicial positions shall be borne by the counties, including the expenses incurred for court facilities. The legislative authority for each county has the option of phasing in the additional judicial positions over a period of time, not to exceed January 1, 1990.

Under the supervision and direction of the Chief Justice, the Administrator for the Courts will examine the need for new superior court and district judge positions using a weighted caseload analysis which takes into account the time required and the amount of time available to hear all cases in a particular court. The Board for Judicial Administration and the Judicial Council will review the results of the analysis and make recommendations to the Legislature by January 1, 1989. The recommendations are to address the objective of the Legislature that weighted caseload analysis become the basis for creating additional district court positions.

A stenographic reporter is not required to be appointed for the seven additional superior court judges authorized for King County by this 1987 act.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 26, 1987

Partial Veto Summary: The requirement that the Administrator for the Courts examine the need for new superior court and district judge positions using a weighted caseload analysis is eliminated. (See VETO MESSAGE)

SSB 5212

C 217 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Newhouse and Vognild; by request of Liquor Control Board)

Specifying procedures for the issuance of temporary liquor licenses.

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

Background: Currently the Liquor Control Board is not authorized to issue temporary retail liquor licenses.

Summary: The Liquor Control Board is authorized to issue temporary retail and wholesale liquor licenses under the following conditions: The establishment has been operated under a permanent retail liquor license within 90 days of the application; the previously existing permanent retail license has been surrendered to the Board; the applicant has filed an application transferring the permanent retail license; and the license fee has been submitted to the Board.

The duration of the temporary license is 60 days and may be renewed for an additional 60 day period. Applicants are not entitled to request a hearing in the event the temporary license or a renewal is denied. The Board may cancel or suspend a temporary license at any time when it is considered appropriate.

The Board is required to refund fees in the event the application is withdrawn or denied.

Votes on Final Passage:

Senate	45	0
House	83	0

Effective: July 26, 1987

SB 5217

C 248 L 87

By Senators Wojahn, Zimmerman, Kreidler, Fleming, Kiskaddon, Lee and Johnson; by request of Department of Personnel

Establishing wellness program for state employees.

Senate Committee on Human Services & Corrections and Committee on Ways & Means
House Committee on State Government
House Committee on Ways & Means/Appropriations

Background: There is growing interest in changing the unhealthy lifestyles many Americans lead. Research by the Association of Fitness in Business has shown that 70,000 businesses are now providing "wellness" programs for their employees and that these programs have a cost/benefit ratio of 1:3.

The Washington Department of Personnel recently completed a six month study to assess the feasibility and possible design of a wellness program for state employees. The study recommends that the Department establish a unit to advise and assist other agencies as they develop individual wellness programs.

Employees using similar programs have reported improvements in productivity, greater job satisfaction and higher morale. Other documented benefits of such programs include reductions in absenteeism, reduction in work–related injuries, lower rates of illness and reduced job–related stress.

Summary: A policy statement makes clear that the state desires to provide a work environment which promotes employees' general health and welfare.

The Director of the Department of Personnel may develop and implement the state wellness program, which is to include dissemination of materials dealing with wellness and establishing wellness activities. Under the program, the Department is to provide technical assistance regarding wellness to other state agencies, monitor and evaluate the effectiveness of the program and publish statistical information. The Department may develop rules to defray the cost of these activities through charges to participating employees. No systematic or organized exercise is to be conducted during normal working hours. All individually identifiable information gathered through participation in the wellness program must be held confidential and cannot be used to jeopardize an employee's job security or employment rights.

The Department of Personnel service fund can be used to administer the wellness program.

Votes on Final Passage:

Senate	38	8	
House	81	17	(House amended)
Senate	44	2	(Senate concurred)

Effective: July 26, 1987

SSB 5219

C 447 L 87

By Committee on Human Services & Corrections (originally sponsored by Senators Williams, Johnson, Kreidler, Kiskaddon and Conner)

Regulating naturopathic physicians.

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

Background: Drugless healing (naturopathy) involves a number of physical and mental treatments which seek to stimulate the natural curative processes of the human body.

The Legislative Budget Committee (LBC) conducted a sunset review of the Drugless Healing Act (Chapter 18.36 RCW) during 1986. The review recommended continued licensure of drugless healers. However, the Drugless Healing Act, written in 1919, was found to be largely outdated in terms of its scope of practice, licensing procedures and disciplinary authorities.

The LBC recommended that a new practice act be written to retain the current scope of practice, and to modernize licensing and disciplinary procedures. Suggestions for expanding drugless healers' scope of practice were to be reviewed by the State Health Coordinating Council.

Summary: The Drugless Healing Act (Chapter 18.36 RCW) is repealed on June 30, 1988 and replaced with a new chapter of law which regulates the practice of naturopathy. The new chapter is based on the Model Credentialing Act contained in the Uniform Disciplinary Act.

No person may practice naturopathy or represent himself or herself as a naturopath or "doctor of naturopathic medicine" without a license. The definition of naturopathy includes diagnosis, prevention and treatment of disorders of the body to stimulate or support natural processes. Naturopathy excludes manual manipulation after June 30, 1988 (subject to legislative review), the use of controlled substances or other legend drugs (except certain vitamins and minerals), the prescription of intrauterine devices, the removal of

foreign objects from the eye, the use of surgical incisions to perform diagnostic procedures, the interpretation of radiographic diagnostic studies, midwifery or acupuncture (without separate licensure), and the use of nutrition or food science to treat malignancies or neoplastic diseases.

The act does not prohibit the practice of oriental medicine or oriental herbology or the rendering of other dietary or nutritional advice.

The Director of the Department of Licensing is authorized to adopt necessary rules, set fees, establish forms and procedures, determine minimum education and experience requirements, prepare and administer examinations, issue and deny licenses, hire investigative staff, maintain records, determine whether alternative training or education may be substituted to obtain licensure, hear appeals and engage in other activities necessary to license and discipline naturopaths.

A five member naturopathic advisory committee is created, composed of three licensed naturopaths, and two persons unaffiliated with the profession. The committee is authorized to advise the director on matters pertaining to naturopathic licensure.

Persons holding valid licenses to practice drugless therapeutics when this chapter becomes effective will be considered licensed under this chapter.

This chapter is subject to sunset review and termination in 1993.

Votes on Final Passage:

Senate	44	2	
House	94	2	(House amended)
Senate	46	2	(Senate concurred)

Effective: June 30, 1987 (Section 24)
July 26, 1987

SSB 5225

C 314 L 87

By Committee on Education (originally sponsored by Senators Gaspard, Rinehart, Warnke, von Reichbauer and Vognild)

Modifying collective bargaining procedures at community colleges.

Senate Committee on Education and Committee on Ways & Means
House Committee on Commerce & Labor

Background: Academic personnel at the state's community colleges currently have the right to meet, confer and negotiate with college trustees in order to communicate the academic staff's position on district policy. An employee organization, elected by a majority of the employees to represent them, speaks for the academic employees in presenting staff concerns prior to the board of trustees' final adoption of proposed district policies relating to, but not limited to, curriculum, textbook selection, in-service training, student teaching programs, personnel, hiring and assignment practices, leaves of absence, salaries and salary schedules, and noninstructional duties.

Any agreement reached by the parties must be in writing and acted upon by the board of trustees at its next meeting.

The Public Employment Relations Commission (PERC) conducts fact-finding and mediation activities with the consent of both parties, or upon 24 hours written notice by one party of intent to request the assistance and advice of PERC.

The present "meet and confer" model for negotiations is viewed by some community college employees as an obstacle to cooperative efforts necessary to resolve disputes between academic staff and community college administration.

Summary: The purpose statement of the current law is expanded to promote cooperative efforts of academic employees and the community colleges by establishing orderly procedures governing their relationship.

Both full and part-time academic employees, through the representatives of a duly elected employee organization, have the right to meet at reasonable times and bargain in good faith in an effort to reach agreement with respect to wages, hours, and other terms and conditions of employment, such as procedures related to nonretention, dismissal, denial of tenure, and reduction in force. Collective bargaining is the mutual obligation of the representatives of the employer and the exclusive bargaining representative of the employees. The Public Employment Relations Commission decides which items are mandatory subjects for bargaining in the event of a dispute.

Provisions of written contracts relating to salary increases shall not exceed the amount or percentage established by the Legislature in the appropriations act and allocated to the board of trustees of the community college by the State Board for Community College Education. Any provision of agreements pertaining to salary increases are not binding upon future actions of the Legislature.

If any provision of a salary increase is changed by subsequent modification of the appropriations act by the Legislature, both parties shall enter into collective bargaining solely for the purpose of replacing the

modified provision. The powers and duties of community college boards of trustees relating to fixing salaries of employees are amended to also limit salary increases to the amount or percentage established by the Legislature.

Employees' rights to organize and bargain collectively or to refrain from association are guaranteed. Employees may be required to pay dues consistent with a union security provision.

All other rights, privileges and benefits granted by law to employees are protected. The collective bargaining provisions are not to interfere with the responsibilities and rights of a community college board of trustees otherwise provided by law.

Binding arbitration of disputes relating to interpretation of the collective bargaining agreement is permitted.

A collective bargaining agreement may include union security provisions, but not a closed shop. An employee may authorize voluntary dues deductions from the employee's pay. An employee who asserts a right of nonassociation based on bona fide religious beliefs must pay an amount equal to the association dues to a nonreligious charity. The employer is required to enforce such a union security provision if included in the collective bargaining agreement.

PERC shall conduct mediation at the request of either party. The parties may agree to alternative dispute resolution procedures, to be carried out at their own expense. PERC may also adjudicate unfair labor practices and is authorized to adopt rules to govern such proceedings. An employer and the employee organization may agree to binding arbitration on unfair labor practices. Unfair labor practices for both the employer and the employee organization are defined relating to interference with the collective bargaining process and other prohibited actions. The expression of views, arguments, or opinions or dissemination of such to the public is not an unfair labor practice if the expression contains no threat of reprisal or force or promise of benefit.

A board of trustees may unilaterally extend the terms of a previous contract, but shall not take any other unilateral action on unresolved issues under negotiation, unless the parties have first participated in good faith mediation or other procedure to seek resolution of the issue.

Strikes by community college faculty are prohibited. A board of trustees is prohibited from engaging in a lockout. Jurisdiction of the superior court in the county in which a labor dispute exists may be invoked by either party. The court may issue an appropriate order based upon consideration of the elements necessary for injunctive relief, the purposes and goals of the collective bargaining statutes, and mitigating factors such as the commission of an unfair labor practice by either party.

Votes on Final Passage:

Senate	26	23	
House	84	14	(House amended)
Senate	26	23	(Senate concurred)

Effective: July 26, 1987

SB 5227

C 75 L 87

By Senators Wojahn, Kiskaddon, Sellar, Anderson and Stratton; by request of Department of Social and Health Services

Consolidating statutes regarding revenue recovery for social and health services.

Senate Committee on Human Services & Corrections
House Committee on Human Services

Background: The Office of Financial Recovery of the Department of Social and Health Services (DSHS) administers DSHS revenue collection programs which are scattered throughout various titles of the Revised Code of Washington (RCW). Prior to the creation of DSHS by the Legislature, each agency (public assistance, institutions, health, etc.) had revenue collection statutes integrated into program titles. This dispersal has created duplicative procedures, unnecessary administrative efforts and confusion for the agency and for the public.

Summary: Most DSHS recovery statutes are consolidated into one new chapter, which provides a central reference point for DSHS revenue collection. Thirty-seven existing sections for revenue collection provisions are moved into the new chapter, and statutory references are corrected in 41 sections. Six sections are repealed. Nursing home settlement procedures (Chapter 74.46 RCW) and child support enforcement provisions (Chapter 74.20 and 74.20A RCW) are not consolidated into the new revenue collection chapter.

Votes on Final Passage:

Senate	47	0
House	96	0

Effective: July 26, 1987

SSB 5232

C 278 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Lee, Vognild, Smitherman and Wojahn)

Modifying manner in which base years and benefit years are established for purposes of unemployment compensation.

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

Background: A benefit year for unemployment compensation cannot be established unless a claimant has worked 680 hours in the base year. The base year is defined as the first four of the last five completed calendar quarters prior to the date of application for benefits.

If an individual applied for benefits on February 1, 1987, the base year would be the first three calendar quarters of 1986 and the last quarter of 1985. If this individual worked 500 hours in the third quarter of 1986, 500 hours in the fourth quarter of 1986 and 100 hours in the first quarter of 1987 prior to February 1, he or she would not be eligible for unemployment compensation because only 500 hours were earned during the base year. None of these hours could have been used for the establishment of a prior claim.

If an individual files a claim which uses hours worked prior to the establishment of a previous claim, that individual must have earned wages equal to or greater than six times the new weekly benefit amount in the last two quarters of the new base year.

Summary: The Employment Security Department shall initially use the first four of the last five completed calendar quarters as the base year. If a benefit year is not established using the first method, the Department shall use the last four completed calendar quarters as the base year.

Computations using the last four completed calendar quarters shall be based on wage items available on the date of application for a new claim. Wage items received after the date of application shall be made available to the claim as they are added to Department systems. The Department is not required to contact employers or take other actions not required by claims which use the first four of last five completed calendar quarters.

A new claim cannot be established with hours which were used in the establishment of a prior claim.

Votes on Final Passage:

Senate	25	22	
House	93	5	(House amended)
Senate	49	0	(Senate concurred)

Effective: July 26, 1987

SB 5245

C 226 L 87

By Senator Peterson

Expanding use of reflectorized warnings on disabled vehicles.

Senate Committee on Transportation
House Committee on Transportation

Background: Whenever a State Patrol or county sheriff officer comes upon a disabled vehicle on a highway outside any municipality at times when lights are required on vehicles, they are to place on or near the vehicle a reflectorized warning device.

Summary: The condition that placement of reflectorized warning devices be placed on vehicles discovered only after nightfall is removed.

Votes on Final Passage:

Senate	48	0
House	98	0

Effective: July 26, 1987

SB 5247

C 39 L 87

By Senators Gaspard, Bailey and Conner

Reviewing program approval standards for teachers, administrators, and educational staff associates.

Senate Committee on Education
House Committee on Education

Background: Current state law authorizes the State Board of Education to approve but not to disapprove teacher, administrator, and educational staff associate preparation programs.

The continuing expansion of professional educator preparation suggests that a cyclical review of the state's program approval standards for teachers, administrators, and educational staff associates would help assure that such standards remain current.

Summary: The State Board of Education is granted specific authority to disapprove teacher, administrator, and educational staff associate preparation programs

offered by the state's public and private institutions of higher education.

The State Board of Education is directed to review approval standards for preparation programs for teachers, administrators, and educational staff associates every five years.

Votes on Final Passage:

Senate	46	0
House	97	0

Effective: July 26, 1987

SB 5248

C 197 L 87

By Senators Smitherman, Gaspard, Bailey and Johnson

Providing for the development of model curriculum guidelines for vocational or applied courses.

Senate Committee on Education
House Committee on Education

Background: Current statute requires the State Board of Education to "...recognize the relevance of vocational and applied courses and allow such courses to fulfill in whole or in part the..." state's minimum high school graduation requirements. Providing state-level guidelines for the application of vocational and applied courses to meet graduation requirements may assist in carrying out statutory intent.

Summary: The Superintendent of Public Instruction prepares model curriculum programs and/or curriculum guidelines in three subject areas each year. The Superintendent is directed to include guidelines for the application of vocational and applied courses which can fulfill in whole or in part the state's minimum high school graduation requirements.

Votes on Final Passage:

Senate	47	0
House	95	0

Effective: July 26, 1987

SSB 5249

C 382 L 87

By Committee on Judiciary (originally sponsored by Senators Talmadge and Bottiger)

Clarifying payment of court filing fees.

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

Background: Filing fees are currently shared between the county and the state, with the state receiving 32 percent of the fees collected and the county receiving the balance of the money. The state deposits its share into the public safety and education account so that the Legislature may appropriate the funds to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking and state game programs.

The last time filing fees were increased was 1981. The Court of Appeals current fee for filing the first paper or record and making an appearance is $100. At the present time, there is no fee for filing a petition of review in the Supreme Court. The filing fee in superior court is now set at $70 and in district court it is $20.

Summary: The fee for filing the first paper in the Supreme Court or the Court of Appeals is $125. For filing a petition for review of a Court of Appeals decision terminating review, the fee is $100. The filing fee for superior court is $78 and the plaintiff shall pay a filing fee of $25 in any civil case which is commenced or transferred to district court. From a court of limited jurisdiction, the filing fee for the first paper on an appeal is raised to $78, except for a defendant in a criminal action. Upon affirmation of a conviction from a court of limited jurisdiction, the superior court clerk shall collect a fee of $70 from the defendant in a criminal case. The party instituting probate proceedings is required to pay a fee of $78 and for filing a petition to contest a will admitted to probate or a petition to admit a will which has been rejected, the fee is $78. A fee of $20 is required to file a petition for modification of decree of dissolution of marriage. An attorney is required to pay $5 for a certificate showing admission to practice law except when it is an original certificate issued at the time of admission.

Votes on Final Passage:

Senate	45	0	
House	94	2	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	94	1	
Senate	43	1	

Effective: July 26, 1987

2SSB 5252

C 489 L 87

By Committee on Ways & Means (originally sponsored by Senators Bailey, Saling, Gaspard, Lee, Kiskaddon, von Reichbauer, Zimmerman, Bender, Rinehart, Bauer, Smitherman, Vognild, Nelson, Johnson and Moore)

Establishing a primary prevention program for child abuse and neglect.

Senate Committee on Education and Committee on Ways & Means
House Committee on Human Services
House Committee on Ways & Means/Appropriations

Background: Child abuse and neglect is recognized as a serious social problem. Current law requires professional school personnel (including teachers, counselors, administrators, and school nurses), child care facility personnel, social workers, psychologists, registered or licensed nurses, pharmacists, and practitioners (including dentists, optometrists, and physicians) to report suspected incidents of child abuse within 48 hours to the proper law enforcement agency or to the Department of Social and Health Services. It is suggested that establishing a coordinated primary prevention program for child abuse and neglect may help respond to this important issue.

Summary: Legislative intent is to make education and training on child abuse and neglect prevention available to children, parents, school employees, and licensed day care providers.

The Office of the Superintendent of Public Instruction (OSPI) is the lead agency and will assist the Department of Social and Health Services (DSHS), and the Department of Community Development (DCD) in establishing a coordinated primary prevention program for child abuse and neglect.

The Department of Community Development will have primary responsibility for providing child abuse and neglect prevention training to preschool age children participating in the federal Head Start program or the state Early Childhood Education and Assistance Program.

The Department of Social and Health Services will have primary responsibility for providing child abuse and neglect prevention training to parents and licensed child day care providers of preschool age children participating in state licensed day care programs.

The Superintendent of Public Instruction will have responsibility for providing child abuse and neglect prevention training within the common school system.

In developing the program, consideration will be given to a number of possible elements for inclusion in the program, including: workshops on child abuse and neglect issues for children, parents and teachers; training for licensed day care providers, and child safety training. Parents must be notified of the primary prevention program and may refuse their children's participation in the program.

The primary prevention program shall not be part of the basic program of education and shall be voluntary.

Each school district is required to develop a written policy regarding the district's role and responsibility relating to the prevention of child abuse and neglect. Each district is required, within the resources available to it, to participate in the state primary prevention program, or develop and implement its own program, or continue with an existing local child abuse and neglect education and prevention program.

The Superintendent of Public Instruction, DSHS and DCD are required to share information about child abuse and neglect. The SPI must collect and disseminate through the state clearinghouse for education information, information about child abuse and neglect.

Votes on Final Passage:

Senate	48	0	
House	98	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 26, 1987

SSB 5253

C 230 L 87

By Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Lee, Sellar, Peterson, Gaspard, Halsan, Conner, Deccio, Kreidler, Tanner, Hansen, Stratton, Kiskaddon and Bauer)

Changing provisions relating to displaced homemakers.

Senate Committee on Human Services & Corrections and Committee on Ways & Means
House Committee on Human Services
House Committee on Ways & Means/Appropriations

Background: In 1978 a needs assessment for Washington State indicated that as many as 69,000 women had been "displaced" from their previous roles as unpaid homemakers. These women, through divorce, death of spouse, disability of spouse or loss of family income were often left without steady income and with little formal education or training. They did not qualify for programs established for wage earners

such as unemployment compensation and Social Security.

The Displaced Homemaker Act was passed in 1979 to help these women regain economic security. The program, currently administered through the Higher Education Coordinating Board, provides funds for two multipurpose centers in Seattle and Spokane where women are given counseling and education to help them qualify for employment. There are three rural programs in Yakima, Centralia and the Skagit Valley which serve as counseling and referral centers for women looking for help in locating jobs or training. Most of the actual counseling and education is provided through community colleges under contract with the Displaced Homemaker Program. In 1982 legislation added an outreach phase which included introductory workshops and a hotline telephone.

Between 1983–85 approximately 1,200 displaced homemakers completed the intensive program, and 17,500 persons received assistance in less formal ways.

The funding for this program is provided by $5 from current marriage license fees. The biennial budget for displaced homemakers for 1985–87 was $568,000.

The Act expires June 30, 1987.

Summary: The Displaced Homemaker Act is reauthorized. The surcharge on marriage licenses which currently finances the Displaced Homemaker Act is increased to $10. These monies must be earmarked for the program, but deposited into the state general fund.

The Displaced Homemaker Program Advisory Committee is placed in statute. The committee consists of 22 members from all geographical areas of the state and is to assist and advise in the administration of the program.

Revenue: Surcharge on marriage license fees is increased from $5 to $10.

Votes on Final Passage:

Senate	42	6	
House	98	0	(House amended)
Senate	44	3	(Senate concurred)

Effective: July 1, 1987

SSB 5254

C 101 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Tanner, Smitherman, West, Johnson, Newhouse, Bender, Bailey, Zimmerman, Lee, Garrett, Vognild and Moore)

Increasing penalties for the sale of liquor to minors.

Senate Committee on Commerce & Labor
House Committee on Judiciary

Background: Currently, persons between the ages of 18 and 20 inclusive, who purchase or attempt to purchase liquor are subject to fines in the range of $25 to $100, or imprisonment in the county jail for 30 days, or both.

Individuals who transfer, in any manner, an identification to a minor for the purpose of purchasing liquor are guilty of a misdemeanor; a specific range of penalties is not provided.

The liquor statute does not currently address the commercial preparation of false identification for individuals under the age of 21 for the purposes of purchasing liquor.

Summary: A person between the ages of 18 and 20 inclusive who purchases or attempts to purchase liquor is guilty of a misdemeanor and the penalty provisions are set at: a fine in the range of $250 to $1,000; or no less than 25 hours of community service; or imprisonment in the county jail for 90 days; or any combination of the penalties.

The penalty provisions for persons transferring identification to minors for the purposes of purchasing liquor are set at: fines between $250 and $1,000; or no less than 25 hours of community service; or imprisonment in the county jail for 90 days; or any combination of the penalties.

A person who, for economic gain or without proper authority, forges identification for a person under 21 for the purpose of purchasing liquor, is guilty of a gross misdemeanor with a minimum fine of $2,500.

Votes on Final Passage:

Senate	46	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 26, 1987

SB 5265

C 205 L 87

By Senator Warnke; by request of Liquor Control Board

Eliminating certain restrictions on purchase of beer by licensed beer retailers.

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

Background: Currently, retail beer licensees are required to purchase beer solely from licensed beer wholesalers. As a result of this restriction, government

agencies find it difficult to dispose of lawfully seized beer. In addition, retail beer licensees that are discontinuing business operations are unable to dispose of their stock, unless a wholesaler is willing to accept returned merchandise.

Summary: Retail beer licensees are permitted to purchase beer from government agencies which have lawfully seized beer and Board authorized retailers. In addition, licensees may purchase beer from other beer retailers that are discontinuing business and are unable to find a wholesaler that will accept returned merchandise.

Beer purchased under the provisions of the act is required to meet its manufacturer's quality standards.

Votes on Final Passage:

Senate	46	0	
House	96	0	(House amended)
Senate	45	2	(Senate concurred)

Effective: July 26, 1987

SSB 5274

C 519 L 87

By Committee on Education (originally sponsored by Senators Gaspard, Kiskaddon, Bauer and Smitherman)

Recognizing teachers' in-service training and continuing education for compensation purposes.

Senate Committee on Education and Committee on Ways & Means
House Committee on Education

Background: Under the In-service Training Act, school districts are required to conduct an assessment at least every two years to identify in-service training needs and goals. Current law does not permit state or locally funded in-service training or continuing education credits to count toward salary allocation purposes on the compensation schedule developed by the Legislative Evaluation and Accountability Program Committee.

Summary: Certificated personnel shall receive the equivalent of a one quarter college credit course on the salary schedule developed by the Legislative Evaluation and Accountability Program Committee (LEAP) for each: (a) ten clock hours of approved in-service training attended; (b) ten clock hours of continuing education received, as defined by rule adopted by the State Board of Education.

An in-service training program shall be: (a) approved by a school district board of directors and developed in participation with an in-service training task force and must meet standards adopted by the State Board of Education, or (b) offered by an education agency approved by the State Board of Education to provide in-service for continuing education purposes, or (c) approved by a district and offered by a State Board approved provider of in-service for continuing education.

Effective after August 31, 1987, eligible clock hours of in-service or continuing education may be counted on the LEAP schedule.

Votes on Final Passage:

Senate	33	15	
House	78	17	(House amended)
Senate	33	14	(Senate concurred)

Effective: July 26, 1987

SB 5277

C 52 L 87

By Senators Peterson, Patterson, Hansen and Conner

Requiring vehicle license plates to be treated with fully reflectorized materials.

Senate Committee on Transportation
House Committee on Transportation

Background: As of January 1, 1968 all vehicle number plates have been treated with reflectorized materials designed to increase visibility and legibility at night. Currently, the Department of Licensing under its authority to set specifications for the manufacturing of license plates requires that all license plates be fully reflectorized.

Summary: Vehicle license plates are required to be fully reflectorized.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: July 26, 1987

SSB 5285

C 308 L 87

By Committee on Ways & Means (originally sponsored by Senators McDermott, Deccio, Moore, von Reichbauer, Kreidler, Zimmerman, Stratton, Warnke, Saling, Vognild, Rinehart, Hansen, Gaspard, Wojahn, Fleming, Garrett, Talmadge and Kiskaddon)

Providing funding for public broadcasting stations.

Senate Committee on Ways & Means
House Committee on Ways & Means

Background: Public nonprofit radio and television companies complement private broadcasting companies in providing added program diversity for the utilization of Washington citizens.

Public broadcasting companies face increasing costs and potentially decreasing federal support.

Summary: Procedures are established for the Department of Community Development to allocate grants to public broadcasting stations. One program is for public broadcasting companies licensed in Washington and qualified to receive grants from the Federal Corporation for Public Broadcasting. Seventy–five percent of the money appropriated to this program is allocated to public television corporations and 25 percent to public radio stations. Both the radio and television funds are divided into basic and incentive grant pools.

Another program is for grants to broadcast stations with a noncommercial education license, but not eligible for grants from the Federal Corporation for Public Broadcasting. These stations must have facilities and equipment for program origination and production. They also must have daily broadcast schedules, with some programs locally produced, devoted primarily to serving the educational, informational, and cultural needs of the community within its primary service area. The programming shall be intended for a general audience and not designed to further a particular religious philosophy or political organization. Maximum grants awarded to eligible stations under this section are determined by the number of hours a day the station broadcasts.

Votes on Final Passage:

Senate	32	15
House	91	4

Effective: July 26, 1987

SSB 5288

C 102 L 87

By Committee on Human Services & Corrections (originally sponsored by Senators Smitherman, Halsan and Warnke)

Providing reimbursement for institutional care employees of the department of veterans affairs who are victims of assault.

Senate Committee on Human Services & Corrections
House Committee on Human Services

Background: On numerous occasions, employees of state institutions have been assaulted by residents. These employees have been required to use sick leave or to accept the lesser compensation rate provided under workers' compensation. The 1981 Legislature provided for a program to reimburse institutional care employees of the Department of Corrections (DOC) for costs related to these assaults. The program was extended to Department of Social and Health Services (DSHS) employees in 1986.

The following must have occurred for compensation to be paid: (1) As a result of an assault by a resident or patient, the employee must be injured so as to miss days of work; (2) the assault cannot be attributable to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment; and (3) the employee's compensation application must be approved. Full reimbursement is authorized for each work day missed, up to 365 consecutive days. Any compensation made under industrial insurance must be supplemented to the level of the employee's wage.

Summary: Employees of the Department of Veterans Affairs who are victims of assault by residents of the state veterans' homes are entitled to the same compensation as currently provided for DSHS and DOC employees.

Votes on Final Passage:

Senate	48	0
House	96	0

Effective: July 26, 1987

SSB 5293

C 4 L 87 E1

By Committee on Ways & Means (originally sponsored by Senators McDermott, Bender, McDonald, Bluechel, Wojahn and Deccio)

Revising business and occupation taxation of health and social welfare services.

Senate Committee on Ways & Means
House Committee on Ways & Means/Revenue

Background: Qualifying organizations providing health and social welfare services, as defined in RCW 82.04.431, are exempt from business and occupation tax liability on revenues received from the United States government, the State of Washington, or any municipality or subdivision of the state as compensation for services. Adult family home service providers do not qualify for this exemption at present. Although

similar services are provided, they do not have the organizational structure, boards of directors, and other aspects of health and social service providers needed to qualify for this exemption.

Summary: Providers of adult family home services are eligible for the same exemption from business and occupation taxes as is provided to other organizations qualifying under RCW 82.04.431.

Votes on Final Passage:

Senate	48	0
First Special Session		
Senate	48	0
House	84	0

Effective: June 9, 1987

SSB 5299

PARTIAL VETO

C 443 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Lee, Vognild, Smitherman, Anderson and Kiskaddon)

Revising laws relating to massage therapy.

Senate Committee on Commerce & Labor
House Committee on Health Care

Background: In 1975 the Massage Act was enacted and created the licensing of massage therapists by the Department of Licensing and established the State Massage Examining Board. The current law requires that applicants for massage operator licenses pass a written examination and/or a practical demonstration. The only prerequisites to take the examination are that applicants are over eighteen years old and show that they are of good moral character and in good health.

Most health care practitioners are required to graduate from an accredited school or program as a qualification before taking their licensing examination.

Summary: The licensing requirement of graduation from an accredited school for massage therapists or apprenticeship program is added as a prerequisite to take the massage practitioner examination. The scope of practice of massage therapists is updated and clarified. The requirement for a state business license is removed.

Insurance coverage for services by massage practitioners is neither required nor prohibited by this law.

A fourth massage practitioner is added to the State Massage Examining Board, which is renamed the Washington State Board of Massage. Qualifications for the consumer member are added that disallow state employees and present or former members of any licensing board.

The effective date for meeting eligibility requirements is June 1, 1988.

Votes on Final Passage:

Senate	44	1	
House	90	0	(House amended)
Senate	43	1	(Senate concurred)

Effective: July 26, 1987
June 1, 1988 (Section 12)

Partial Veto Summary: Language that eliminates the ability of cities and counties to license and regulate massage businesses is vetoed. (See VETO MESSAGE)

SSB 5301

C 94 L 87

By Committee on Judiciary (originally sponsored by Senators Halsan, Talmadge and Kreidler)

Regulating vicious dogs.

Senate Committee on Judiciary
House Committee on Judiciary

Background: Current law holds a dog owner liable for any injury that a person suffers as a result of a dog bite. However, dog owners are not required to establish their ability to pay until after an incident occurs. Several people have been victims of severe bites by dogs whose owners either refuse or are unable to pay damages for the injuries suffered.

Summary: "Potentially dangerous dog" and "dangerous dog" are defined.

The owner of a dangerous dog is required to obtain a certificate of registration from the animal control authority. To obtain the certificate, the owner must show that he or she has a surety bond or insurance policy in the amount of $50,000 covering the owner against any injuries inflicted by the dog. In addition, the owner is required to show that there is a proper enclosure for the dog.

It is unlawful for the owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled, restrained by a substantial leash, and under the physical restraint of a responsible person.

A dangerous dog which is not properly licensed or maintained must be confiscated by an animal control authority. The owner is guilty of a gross misdemeanor.

If a dangerous dog of an owner with a prior conviction under these provisions attacks or bites, the owner is guilty of a class C felony and the dog must be quarantined and subsequently destroyed.

The owner of any dog that causes severe injury or death to any human, irrespective of the dog's previous classification, is guilty of a class C felony and the dog must be quarantined and destroyed.

Dogs are not considered dangerous if the injury or threat is sustained by a person who commits a wilful trespass upon the owner's premises, or by a person who torments, abuses, or assaults the dog.

Potentially dangerous dogs are regulated only by local, municipal, and county ordinances.

Any person entering a dog in a dog fight is guilty of a class C felony.

Votes on Final Passage:

Senate	46	2
House	91	7

Effective: July 26, 1987

SSB 5312

C 135 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Talmadge, Pullen, Warnke, West, Vognild, von Reichbauer, Lee, Johnson, Bender, Moore, Fleming, McDermott, Halsan, Williams, Smitherman and Bauer)

Providing for collective bargaining for the Washington state patrol.

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

Background: Officers of the Washington State Patrol are not covered by collective bargaining statutes. All aspects of employment of officers of the Washington State Patrol are controlled by the Chief of the State Patrol. State Patrol officers are specifically exempt from Chapter 41.06 RCW, the state's civil service law, and the collective bargaining provisions that apply to state civil service employees. The dispute resolving mechanisms of arbitration, mediation and fact finding accompanied by the right to organize and designate a representative for bargaining purposes are not available to State Patrol officers.

Several states cover highway patrol officers and state police under collective bargaining statutes. Some are under general public employee bargaining laws while other statutes apply specifically to police. Some are included under general state classified systems and others have a separate merit system. States which provide collective bargaining rights and merit system rules are Rhode Island, Wisconsin, Pennsylvania, New York, New Jersey, Vermont, Florida and Alaska.

Summary: The State Patrol is made a "public employer" under certain provisions of the public employment relations act. Wages and wage related matters are excluded from the definition of collective bargaining in the case of the State Patrol. The arbitration provisions are not applicable to the State Patrol.

The provisions of the Public Employment Labor Relations Act relating to mediation, prohibition of strikes, and the legislative statement of policy are made applicable to State Patrol officers.

The employer and the bargaining representative are required to begin negotiations at least five months prior to the submission of the budget to the legislative body of the public employer. If the parties are unable to agree within 60 days, either party may declare an impasse and submit the dispute to the Commission for mediation. If no agreement is reached in the mediation process, either party following notice to the other party and the Commission, may request that matters in dispute be submitted to a fact finder for recommendations.

The parties shall choose a fact finder from a list submitted by the director. If they are unable to agree on a fact finder, the Commission upon request of either party, shall appoint a fact finder as long as it is someone other than the person who served as mediator. The fact finder then conducts an investigation, including hearings or other techniques as he or she chooses. The fact finder is given subpoena power.

The fact finder must make a recommendation within 30 days after the hearing, which is advisory only. The recommendation is kept confidential for a period of seven calendar days, and if the recommendation is not accepted by both parties, the recommendation is then made public. The fees and expenses of the fact finder are shared equally by the parties.

The parties are given the freedom to substitute other impasse procedures.

Votes on Final Passage:

Senate	31	15
House	76	20

Effective: July 26, 1987

SSB 5318

C 21 L 87

By Committee on Governmental Operations (originally sponsored by Senator Pullen)

Clarifying fire districts' authority regarding burning permits when the clean air act is involved.

Senate Committee on Governmental Operations
House Committee on Environmental Affairs

Background: Fire protection districts are authorized to issue certain burning permits but have no specific authority to revoke a validly acquired permit. This has created situations where burning which is creating an extreme nuisance has been permitted to continue because the party conducting the burning possessed a valid burning permit. Fire protection districts have been hesitant to respond to complaints of such nuisances without specific statutory authority to revoke a validly acquired and utilized permit.

Summary: A fire district has authority to revoke a permit issued by that district if necessary to protect life or property or to prevent or abate a nuisance.

Votes on Final Passage:

Senate	46	0
House	93	3

Effective: July 26, 1987

SSB 5326

C 369 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Garrett, Johnson, Peterson, Lee, Tanner, Warnke, Williams, Kiskaddon and Bauer; by request of Joint Select Committee on Disability Employment and Economic Participation)

Creating the Washington disability training and placement coordination council.

Senate Committee on Commerce & Labor and Committee on Ways & Means
House Committee on Commerce & Labor
House Committee on Ways & Means/Appropriations

Background: This legislation is the result of a recommendation from the Joint Select Committee on Disability Employment and Economic Participation. The state has no coordinated system for meeting the training and placement needs of persons of disability. Both persons of disability and employers have reported confusion about the variety of employment and training services available. Employers, agencies, and representatives of the disability community have suggested an institutionalized means of meeting their respective needs in the training, employment, and economic participation of persons of disability.

Summary: An information clearinghouse is established in the Employment Security Department to provide information on private and state services and incentive programs available to persons of disability and employers of persons of disability. The clearinghouse will provide a comprehensive list of available programs and services.

In addition, an interagency task force on disability training and placement is created for two years to improve coordination of state services to persons of disability and employers of persons of disability.

Votes on Final Passage:

Senate	49	0	
House	98	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 26, 1987

SB 5327

C 76 L 87

By Senators Garrett, Johnson, Peterson, Wojahn, Lee, Tanner, Warnke, Williams and Kiskaddon; by request of Joint Select Committee on Disability Employment and Economic Participation

Requiring the employment security department to report on special attention service given to disabled persons.

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

Background: In 1977 the Legislature recognized unfair employment discrimination for persons of disability and enacted a policy to create equal employment opportunities. The Employment Security Department shall give particular attention and service to persons of disability.

Disabled persons who are unable to sign their name or make a mark cannot obtain notarized acknowledgements.

Summary: An ongoing reporting requirement is added with the first report by the Employment Security Department (ESD) on its accomplishments in disability employment services due December 1, 1987 to House and Senate Committees on Commerce and Labor. Then, ESD shall report every two years.

A notary public or other authorized officer may take an acknowledgement from a competent person who is physically unable to sign his or her name or make a mark if the person orally directs the notary to sign on the person's behalf. The notary must state that the signature was obtained under the authority of the act.

Votes on Final Passage:

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

Effective: July 26, 1987

SSB 5329

C 91 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Garrett, Johnson, Peterson, Wojahn, Lee, Tanner, Warnke, Williams and Kiskaddon; by request of Joint Select Committee on Disability Employment and Economic Participation)

Requiring a study to determine disincentives to work contained in public benefit programs for persons of disability.

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

Background: The Joint Select Committee on Disability Employment and Economic Participation (JSCDEEP) held hearings with state agencies that administer disability programs and with members of the business community. Disincentives to employment, that are built in to benefit and service programs for disability, were discussed and the JSCDEEP identified the issue as complex and requiring study.

Summary: The Department of Social and Health Services shall conduct a study with several state agencies providing disability programs and the UW Institute for Public Policy on state policies and public benefit programs to determine disincentives to work for persons of disability. The study shall include a plan to correct the barriers that are discovered. The study and report will be completed by December 1, 1987 and submitted to the House and Senate Committees on Commerce and Labor.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: July 26, 1987

SSB 5330

C 9 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Garrett, Johnson, Peterson, Tanner, Warnke, Williams and Kiskaddon; by request of Joint Select Committee on Disability Employment and Economic Participation)

Establishing the disability accommodation revolving fund.

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

Background: Job site changes and equipment purchases are often necessary to accommodate persons of disability in their employment. The Joint Select Committee on Disability Employment and Economic Participation has suggested that an accommodation fund would relieve state agencies of unanticipated accommodation expenses not possible to forecast in the biennial budget planning process and remove a potential barrier to employment of persons of disability.

Summary: The disability accommodation revolving fund is created in the custody of the State Treasurer for unanticipated job site or equipment needs of persons of disability employed by state agencies. An advisory review board appointed by the Director of the Department of Personnel is to establish criteria for use of the fund and provide assistance to applicants. The Director of the Department of Personnel authorizes disbursement from the fund.

Moneys received will be returned to the fund by the agencies at the beginning of the following fiscal biennium.

Appropriation: $200,000

Votes on Final Passage:

Senate	44	3
House	96	0

Effective: July 26, 1987

SB 5331

C 10 L 87

By Senators Garrett, Johnson, Peterson, Lee, Tanner, Warnke, Williams, Kiskaddon and Moore; by request of Joint Select Committee on Disability Employment and Economic Participation

Requiring the employment security department to develop proposals for the collection of data on the employment of disabled persons.

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

Background: The state does not currently collect data on the number of employed or unemployed persons of disability. The Joint Select Committee on Disability Employment and Economic Participation has suggested that such data can facilitate the development of targeted programs to assist persons of disability in finding and maintaining employment.

Summary: The Employment Security Department is directed to develop proposals for collection of data on employment of persons of disability and submit the proposals to the House and Senate Commerce and Labor and Ways and Means Committees.

Votes on Final Passage:

Senate	45	0
House	96	0

Effective: July 26, 1987

SB 5335

C 477 L 87

By Senators Halsan, Zimmerman, Garrett and McCaslin

Changing provisions relating to boundary review boards.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: State law creates a boundary review board in every class A and AA county (King, Pierce, Spokane and Snohomish), and permits a boundary review board to be created in other counties. A board has been created in each of the 15 following counties: Benton, Chelan, Clark, Cowlitz, Douglas, Franklin, Grant, Kitsap, Pacific, Skagit, Skamania, Thurston, Walla Walla, Whatcom and Yakima.

Boundary review boards may review and approve, reject, or modify and approve the creation, dissolution, annexation, or consolidation of governmental units, defined to be cities, towns and specific special purpose districts (sewer, water, fire protection, drainage improvement, drainage and diking improvement, flood control zone, irrigation, metropolitan park, drainage, or public utility district engaged in water distribution.)

Boundary review boards take jurisdiction over a matter upon the request of: (1) the chairman, or any three members, of the board; (2) an affected city, town or special purpose district; or (3) a sufficient number of registered voters, or property owners, within the affected area petitioning the board.

Summary: Meetings of the board expressly are subject to the Open Public Meetings Act.

Notice to the board of a proposed action by a governmental unit may be filed after the governmental unit's first acceptance of the actions.

Boundary changes arising from the annexation of contiguous city or town owned property held for a public purpose are exempted from review by the board.

The time period is shortened from 60 days to 45 days after notification for the board to invoke jurisdiction.

The ability of the board chairman to raise jurisdiction is removed. The board in a class AA (King County has 11 members, rather than five) can only invoke jurisdiction by request of five, rather than three, members.

Members of the board are prohibited from filing a request for review of the following actions: (a) The incorporation or change in the boundary of any city, town, or special purpose district; or (b) the extension of any permanent water or sewer service outside of its existing corporate boundaries by a city, town, or special purpose district.

Members of a boundary review board may request a review of an extension of permanent water service outside the existing corporate boundaries of a city, town, or special purpose district if the water mains to be installed exceed six inches in diameter; or, if the sewer mains to be installed exceed eight inches in diameter.

A petition is allowed for review to the boundary review board by 5 percent of the registered voters who may be affected by an action and reside within one-quarter mile of a proposed action but not within the jurisdiction proposing the action.

The elected county executive or a majority of the county legislative authority may file a request for review.

The board may waive review of an annexation on any local government, instead of only that of a city or town, involving a ten acre or smaller area if the assessed valuation is less than $2 million, instead of less than $800,000.

Fees to notify the board of an action, as well as fees incurred if the board's jurisdiction is invoked, are doubled.

A legal description in the notice of intention can be altered, if it is erroneous, with the agreement of the initiators.

The board's modification of a proposal shall not interfere with the authority of a city, town, or special purpose district to require or not require preannexation agreements, covenants, or petitions.

The board's modification of the boundaries of a city, town, or special purpose district annexation shall not invalidate signature sufficiency requirements on a petition.

The board cannot modify or deny a proposal unless a written finding is made, citing one or more of the board's objectives, and supported by appropriate findings and conclusions.

When the board modifies a proposal, notice for a hearing on the modification must include any territory added by the board.

Votes on Final Passage:

Senate	47	1	
House	75	23	(House amended)
Senate	46	1	(Senate concurred)

Effective: July 26, 1987

SB 5348

C 62 L 87

By Senators Conner, Peterson, Patterson, Halsan and Garrett; by request of Department of Licensing

Permitting hulk haulers to verify vehicle ownership from department of licensing records.

Senate Committee on Transportation
House Committee on Transportation

Background: In 1985 following a federal court decision which found the state's owner notification process lacking of due process, the Legislature adopted a procedure for disposition for junk vehicles.

Currently within RCW 46.55 there are provisions for the landowner to provide notice and to have the junk vehicle removed from the property.

In addition to the RCW 46.55 procedure, there exists authority within RCW 46.79 to have the landowner or custodian of the junk vehicle sign a release of interest and have the vehicle disposed of by a hulk hauler or scrap processor.

Summary: The language which authorizes a release of interest by the custodian is removed. Disposal of junk vehicles may occur by providing a release of interest by the registered owner, or an affidavit of sale by the landowner who has complied with the notice requirements in 46.55.230.

Votes on Final Passage:

Senate	47	0
House	98	0

Effective: July 26, 1987

SSB 5351

C 7 L 87

By Committee on Ways & Means (originally sponsored by Senators McDermott and McDonald; by request of Office of the Governor)

Adopting the supplemental budget.

Senate Committee on Ways & Means
House Committee on Ways & Means

Summary: Supplemental budget appropriations are provided for the remainder of the 1985–87 biennium.

Appropriation: $68.9 million is appropriated from the general fund–state; $84.3 million is appropriated from the general fund–federal; $49.2 million is appropriated from other funds.

Votes on Final Passage:

Senate	38	9
House	87	7

Effective: March 31, 1987

SSB 5371

C 56 L 87

By Committee on Judiciary (originally sponsored by Senators Fleming, Talmadge, Wojahn, McDermott, Rasmussen and Kreidler)

Authorizing actions to remove discriminatory covenants from property deeds.

Senate Committee on Judiciary
House Committee on Judiciary

Background: Some deeds and other written instruments pertaining to real property contain covenants and restrictions which restrict or forbid the conveyance, encumbrance, occupancy, or lease of property to individuals of a particular race, creed, color, national origin, or with any sensory, mental, or physical handicap. These covenants, while void and unenforceable, are repugnant to many property owners and interfere with their free enjoyment of ownership.

Summary: An owner of property subject to a discriminatory covenant or restriction may have the provision removed from the public records by bringing an in rem declaratory judgment action in the superior court of

the county in which the property is located. The title of the action shall be the description of the property, and the necessary party to the action shall be the property owner. The fee for filing the action is $20. If the court finds any provision of the written instrument pertaining to the real property void under RCW 49.60.224, it shall enter an order striking the provision from the public records and eliminating it from the property title.

Votes on Final Passage:

Senate	45	0
House	97	0

Effective: July 26, 1987

SB 5380

C 455 L 87

By Senators Gaspard, Saling, Warnke, von Reichbauer, Vognild, Johnson, Bottiger, Conner, Bauer, Stratton, Nelson, Newhouse and Rasmussen

Providing cost-of-living adjustment of retirement benefits.

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

Background: The Public Employees' Retirement System (PERS) and Teachers' Retirement System (TRS) do not have an operative post-retirement adjustment provision. Both systems, however, have a retirement allowance floor to assure the retiree of a minimum level for subsistence. This minimum benefit was revised in 1986 when it was increased to $13 per month per year of service.

Prior to 1957 teachers were not covered by Social Security. Approximately 210 members of the Teacher's Retirement System (TRS) retired prior to becoming eligible for Social Security. Of these, approximately 170 members have obtained some type of Social Security benefits, primarily in the form of survivor benefits. Approximately 40 retired teachers receive no social security benefits. These retirees receive a special TRS pension of $7 per month per year of service.

Summary: The minimum benefit of PERS and TRS is increased from $13 to $13.50 per month per year of service. Beginning July 1, 1988, this minimum benefit will be automatically adjusted annually by the value of the ratio of: (a) the Consumer Price Index (urban wage earners, clerical workers, all items—Seattle) for the calendar year prior to date of determination to (b) the CPI for calendar year 1986. The initial adjustment is limited to 3.0 percent, it may not exceed 3.0 percent of the previous year's adjustment, and any adjustment may not lower the minimum benefit below $13.50 per month per year of service.

The special benefit received by those teachers not receiving Social Security is increased from $7 to $10 per month per year of service.

Appropriation: $7.1 million from the general fund–state.

Votes on Final Passage:

Senate	48	0	
House	98	0	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	96	0	
Senate	45	1	

Effective: July 1, 1987

SB 5381

C 77 L 87

By Senators Hansen and Benitz

Revising requirements for custom slaughtering facilities.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: The Custom Slaughtering Act is administered by the Department of Agriculture. The Act sets forth, in separate but similar sections, the licensing requirements for the custom farm slaughterer, the custom slaughtering establishment and the custom meat facilities.

A custom farm slaughterer may slaughter meat food animals only for the consumption of the owner of the animals. The custom farm slaughterer uses an approved mobile unit to slaughter the animals at or near the owner's farm or ranch.

A custom slaughtering establishment is a facility at a fixed location which also may slaughter meat food animals only for the consumption of the owner. A custom slaughtering establishment is not specifically defined in the Custom Slaughtering Act. The Act requires that the Director of the Department consult with an inspection advisory board for each slaughtering establishment application; however, this advisory board does not exist.

A custom meat facility may prepare both uninspected meat for the animal owner's consumption and inspected meat, in quantities not less than one full

quarter of the animal, for household users. Because of the significant declines in the demand for beef in quantities of one quarter or more, the restrictions on a custom meat facility's ability to sell inspected meat are pressuring these facilities to leave the industry.

The lack of clarity in the provisions, the lack of defined terms, and the need to address the significant changes in the meat industry require that the Custom Slaughtering Act be amended.

Summary: The general requirements for licensing of a custom farm slaughterer, a custom slaughtering establishment and a custom meat facility are consolidated in one section. The Director of the Department of Agriculture does not need to consult with an advisory board when considering an application for a custom slaughtering establishment. A custom slaughtering establishment is specifically defined.

Custom meat facilities may sell inspected beef of less than one quarter or one side of meat food animal to household users and may also sell prepackaged inspected meat to any person, provided the prepackaged meat remains in its original package.

Several terms in the Custom Slaughtering Act are defined or clarified. The Act also clearly sets forth the Director's rule–making authority and the requirements of inspection and approval of each facility for proper construction and proper sanitary and mechanical equipment.

To assist the Director in investigating violations, the Director may issue subpoenas to compel the attendance of witnesses or production of documents.

Votes on Final Passage:

Senate	44	0
House	96	0

Effective: July 26, 1987

SSB 5389

C 103 L 87

By Committee on Parks and Ecology (originally sponsored by Senators Kreidler and Bluechel)

Revising noise control requirements for local government.

Senate Committee on Parks & Ecology
House Committee on Environmental Affairs

Background: In 1974 the Legislature authorized the Department of Ecology (DOE) to promulgate regulations for a noise control program, including maximum noise levels, noise abatement and control standards consistent with the federal Noise Control Act. Standards and other control measures adopted by DOE are exclusive, except as allowed within the statute. Local governments are authorized to impose limits or controls differing from those adopted by the Department when such requirements are in response to special conditions.

To ensure that local standards do not unduly depart from the statewide program standards, all local control ordinances are submitted to the Department of Ecology for approval before they become effective. If the Department disapproves a local requirement, the local government may appeal the decision to the Pollution Control Hearings Board.

The Department of Ecology has eliminated its noise control section so there is no formal mechanism for DOE review and approval of proposed local noise control ordinances.

Summary: Local noise limits or controls differing from those adopted by the Department of Ecology must be approved by the Department, and are deemed approved if the Department does not act on the limits within 90 days of submittal. Appeals of Department disapproval may be taken to the Pollution Control Hearings Board. Stationary sources and temporary noise producing operations near jurisdictional boundaries are to have particular attention in Department determination. Local governments are substituted for the state in the enforcement of state noise control rules and limitations. Civil penalties imposed by local government shall be appealed pursuant to any local administrative appeal procedures, and if there are none, to the Pollution Control Hearings Board. Restrictions upon adoption of local government noise control limits prior to adoption of state limits are eliminated.

Votes on Final Passage:

Senate	43	0	
House	95	1	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 26, 1987

SSB 5392

C 256 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Wojahn, Vognild, Smitherman, Williams, Talmadge, Bender, Rasmussen and Conner; by request of Joint Select Committee on Unemployment Insurance and Compensation)

Changing requirements for establishment of benefit years for unemployment compensation.

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

Background: If an individual files an application for unemployment compensation and uses hours which were earned prior to filing of a previous claim, he/she have must earned six times the new weekly benefit amount in the last two quarters of the base year, in addition to the current requirement of 680 hours worked in the base year.

Summary: If an individual files an application for unemployment compensation and uses hours which were earned prior to filing of a new claim, he or she must have earned wages equal to or greater than six times the new weekly benefit amount since the start of the waiting week of the previous benefit year in addition to the current requirement of 680 hours worked during the base year.

Votes on Final Passage:

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

Effective: July 26, 1987

SSB 5393

C 284 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Tanner, Warnke, Lee, Smitherman, Williams, Talmadge, Wojahn, Rasmussen and Moore; by request of Joint Select Committee on Unemployment Insurance and Compensation)

Making older unemployed workers and the long-term unemployed the highest priority for services available from the job service program of the employment security department.

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

Background: Research for the Joint Select Committee on Unemployment Insurance and Compensation indicates that older workers, ages 50 and over, and the long-term unemployed experience great difficulty in finding new jobs at wages comparable to their pre-layoff earnings. Two years after a layoff, older workers earned less than 65 percent of their pre-layoff earnings compared to 91 percent for workers ages 25 to 49. The long-term unemployed earned less than 70 percent of their pre-layoff earnings two years later compared to 93 percent for workers who drew benefits for 6-15 weeks.

Older workers and the long-term unemployed have much higher rates of failure to find subsequent unemployment insurance covered employment relative to other demographic groups. Over 12 percent of older workers and 14 percent of the long-term unemployed had no subsequent unemployment insurance covered employment two years after a layoff.

Summary: Older workers, ages 50 and over, and the long-term unemployed shall be given the highest priority for services provided by the claimant placement project.

Long term unemployed means demographic groups of unemployment insurance claimants identified by Employment Security Department research which have the highest percentage of claimants who have drawn at least 15 weeks of benefits or have the highest percentage of persons who have exhausted benefits.

Each year the Employment Security Department shall produce an annual report which analyzes the re-employment experiences of the unemployed. The report shall include: (1) demographic groups with the greatest difficulty in finding employment with earnings comparable to their last job; (2) demographic groups with the highest rate of failure to find subsequent unemployment insurance covered work; (3) demographic, industry and employment characteristics of those persons most likely to exhaust unemployment compensation benefits; and (4) an analysis of locked out workers who draw unemployment compensation benefit under RCW 50.20.090.

The Employment Security Department shall continue to fund the combined wage and benefit history data base at a level necessary to produce the annual report on the unemployed.

The Employment Security Department is required to submit an annual report to the Legislature and the Governor which identifies and analyzes the following: (1) seasonal, cyclical and structural unemployment; (2) plant closures; (3) dislocated workers; (4) the re-employment experiences of unemployment insurance claimants; (5) industry and occupational employment projections; and (6) wage rates by industry and occupation. The Department is required to produce the report only if the necessary funding is appropriated by the Legislature.

Votes on Final Passage:

Senate	47	0	
House	94	2	(House amended)
Senate	43	0	(Senate concurred)

Effective: July 26, 1987

SB 5402

C 88 L 87

By Senators DeJarnatt, Warnke, Sellar, Patterson, Conner and Rasmussen

Revising provisions on the restoration of withdrawn contributions by elected officials under PERS.

Senate Committee on Ways & Means
House Committee on Ways & Means

Background: In 1986 the Legislature provided a restoration period for those members of the Public Employees' Retirement System, excluding elected officials, who had previously failed to restore their withdrawn employee contributions within the prescribed period.

Summary: Until June 30, 1987, a local government elected official who reentered service and failed to restore withdrawn contributions may restore these contributions, with interest, only for the period served as a nonelected official. Local officials who retired between April 4, 1986 and June 30, 1987, may also restore such withdrawn contributions.

Votes on Final Passage:

Senate	49	0
House	97	1

Effective: April 20, 1987

SB 5403

C 59 L 87

By Senator Bender

Increasing number of members on veterans affairs advisory committee.

Senate Committee on Governmental Operations
House Committee on State Government

Background: Ten of the 14 members of the State Veterans Affairs Advisory Committee represent congressionally chartered veterans' organizations such as the American Legion and the Veterans of Foreign Wars. The Vietnam Veterans of America, Incorporated (VVA), which was chartered in 1986, is not specifically included. The Veterans Administration officially recognizes a number of chartered organizations for purposes of representing veterans in pursuing claims for benefits; the VVA is among those so recognized.

Summary: Membership on the State Veterans Affairs Advisory Committee is increased from 14 to 15 by adding a representative of the Vietnam Veterans of America, Incorporated.

Votes on Final Passage:

Senate	48	0
House	96	0

Effective: July 26, 1987

SSB 5405

C 365 L 87

By Committee on Parks & Ecology (originally sponsored by Senators Talmadge, Bluechel, Newhouse, Sellar, Benitz, McDonald and Cantu)

Defining "hazardous substance" for purposes of the worker and community right to know act.

Senate Committee on Parks & Ecology
House Committee on Environmental Affairs

Background: In 1984 the Legislature passed the Worker and Community Right to Know Act establishing a program for disclosure of information regarding hazardous substances in the workplace.

"Consumer products" (products in the workplace commonly used by the public) were exempted in regulations written by the Department of Labor and Industries in 1984. The exemption was repealed by the Department in 1985.

Many small businesses find compliance difficult because of added time and cost considerations associated with gathering information on consumer products. Many employers believe that products commonly used by the public should not be regulated in the workplace.

The Department believes current regulations regarding consumer products are consistent with federal regulations.

Summary: Consumer products are exempt from provisions of the Worker Right-to-Know Act by legislative intent.

The Department of Labor and Industries will adopt rules consistent with the Washington Industrial Safety and Health Act.

Votes on Final Passage:

Senate	48	0	
House	90	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 26, 1987

SB 5408

C 219 L 87

By Senators Warnke, Cantu, Wojahn and Garrett; by request of Department of Labor and Industries

Revising provisions relating to asbestos projects.

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

Background: The penalties and procedures regarding violations of the state's asbestos removal statutes (Chapter 49.26 RCW) are different than the penalties and procedures for other health and safety violations covered under the Washington Industrial Safety and Health Act. As a result, administrative problems occur when employers are cited for asbestos violations and health and safety violations at the same time.

Summary: The penalties, citations and administrative procedures for asbestos removal violations are changed to those provided for all violations of the Washington Industrial Safety and Health Act (Chapter 49.17 RCW).

Votes on Final Passage:

Senate	44	0
House	98	0

Effective: July 26, 1987

SB 5410

C 61 L 87

By Senators Conner, Warnke, Newhouse and Vognild

Extending time limit for appeals of decision of the employment security department.

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

Background: Unemployment insurance applicants or claimants and employers wishing to appeal a decision made by the Employment Security Department or an administrative law judge have 10 days to file an appeal.

The time limit for filing appeals regarding industrial insurance is 60 days.

The time limit for filing appeals concerning public assistance is 90 days.

Summary: Applicants, claimants, and employers have 30 days to file an appeal for an administrative hearing or a review by the Commissioner.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: July 26, 1987

SB 5412

C 198 L 87

By Senators Talmadge and Newhouse

Extending nurse/patient privilege to registered nurses carrying out treatment prescribed by osteopathic physicians.

Senate Committee on Judiciary
House Committee on Judiciary

Background: In 1985 the Legislature created the nurse–patient privilege which provides generally that registered nurses may not be examined in a civil or criminal action as to information acquired in attending a patient.

The rationale for the existence of the privilege is to encourage full disclosure of health problems to the nurse and physician, while still protecting the privacy of the patient.

Registered nurses who work for an osteopathic physician are not specifically covered by the statute.

Summary: The nurse–patient privilege applies to registered nurses who work for an osteopathic physician.

Votes on Final Passage:

Senate	46	0
House	92	0

Effective: July 26, 1987

SB 5413

C 199 L 87

By Senators Peterson, Patterson, Hansen, Garrett and Barr; by request of Department of Transportation

Updating state highway descriptions.

Senate Committee on Transportation
House Committee on Transportation

Background: Housekeeping changes in existing state highway route descriptions are needed periodically to

reflect new routes or adjustments on existing routes. Approximately every two years, the Department of Transportation requests legislation to revise the statutory description of state highway routes to more accurately reflect recent changes in highway alignments.

Summary: The route descriptions of 24 state highways are updated, most with regard to clarifying existing locations and deleting superfluous descriptive language.

State Route 97 between Wenatchee and Chelan is redesignated from the existing highway west of the Columbia River to the current SR 151 east of the Columbia River. This route redesignation reflects the completion of the water grade route along the Columbia River east of Chelan. The existing SR 97 is redesignated as SR 97 alternate. That highway begins at a junction with SR 2 in the vicinity of Olds (just east of Wenatchee) and proceeds northerly by way of Entiat to a junction with the newly designated SR 150 in the vicinity of Chelan.

A brief section of highway is added to State Route 150 in the vicinity of Chelan to designate that section of roadway connecting Chelan to the new SR 97 in the vicinity of Chelan station.

State Route 151 is removed from the State Highway System; portions of that roadway are redesignated SR 97 and SR 150. A short segment of SR 151 is deleted from the State Highway System and returned to the county of Chelan.

Votes on Final Passage:

Senate	38	8
House	95	0

Effective: July 26, 1987

SB 5415

C 68 L 87

By Senators Peterson, Patterson, Hansen and Garrett; by request of Department of Transportation

Modifying provisions relating to rights of way.

Senate Committee on Transportation
House Committee on Transportation

Background: Prior to 1977, the title to all lands purchased by a city, town or the state for non-limited access highway within cities and towns is vested immediately in the city or town. In 1977 the law was changed to provide that title to lands purchased by the state remained in the state until used for construction or other street purposes. This change caused confusion regarding legal rights and responsibilities and increased tort liability exposure for the state.

Summary: Title to rights of way acquired by either the city, town or state vests in the city or town. Use of such rights of way for any non-transportation purpose is subject to prior written approval by the Department of Transportation. All revenue derived from any non-transportation use of rights of way is shared by the city or town and the state in the same proportion as the purchase costs were shared.

Votes on Final Passage:

Senate	47	0
House	96	0

Effective: July 26, 1987

SB 5416

C 200 L 87

By Senators Peterson, Patterson and Hansen; by request of Department of Transportation

Changing requirements for establishment of certain limited access facilities.

Senate Committee on Transportation
House Committee on Transportation

Background: Current law requires the Department of Transportation (DOT) to hold a public hearing prior to the establishment of a limited access facility. Hearings are required on routes entirely within federal lands such as national forests or parks, or routes where access rights are required by other agencies and transferred to DOT. In many instances considerable time, effort and funds are expended and little or no new public input is received. In some instances, desirable revisions to existing access facilities, or the establishment of new access control, could be negotiated with abutting owners but are abandoned because of the time and cost of the hearing process.

The State and Federal Environmental Protection Acts and state Department of Transportation procedures require substantial public involvement on all major projects. These requirements have led DOT to develop an extensive public involvement program which emphasizes public participation early in the planning process.

Summary: The establishment of access control without a public hearing is permitted after the publication of a notice of opportunity for a limited access hearing and no requests for a hearing are received. This grant of authority is subject to the following conditions: (1) The limited access facility lies entirely within state or

federal lands and the agencies with jurisdiction agree to the access plan; or (2) the access rights to the affected section of roadway have previously been purchased or established by others; or (3) the limited access facility would not significantly change local road use and all affected agencies and abutting property owners agree in writing that a hearing is not necessary. DOT must submit an access report and hold a hearing if abutting property owners or affected agencies request a hearing on or before the date stated in the notice for a hearing.

Notice of the hearing is given by mail, or publication in a newspaper of general circulation.

Votes on Final Passage:
Senate 46 0
House 98 0

Effective: July 26, 1987

SSB 5417
C 69 L 87

By Committee on Transportation (originally sponsored by Senators Peterson, Patterson and Hansen; by request of Department of Transportation)

Extending maximum term for ferry system leases.

Senate Committee on Transportation
House Committee on Transportation

Background: Current law (RCW 47.60.140) authorizes the Marine Division of the Department of Transportation (DOT) to enter into leases and contracts with private parties for concessions and space located on ferry wharves and docks. This authorization empowers the DOT to operate the ferry system as a revenue producing undertaking. The law, however, restricts leases for private concessions to not more than five years system-wide and not more than ten years at the Colman Dock facility in Seattle. These restrictions prohibit long-term leasing options with public or private developers, that allow such persons to recover their investment.

Article 15, Section 2 of the State Constitution restricts leases involving state aquatic lands to a period of no longer than 30 years.

Summary: The Department of Transportation is authorized to enter into lease agreements, for a period not to exceed 55 years, with public or private developers for the construction of improvements on ferry system property.

Lease agreements that involve state aquatic lands are restricted to a period of not more than 30 years and must conform to state constitutional and statutory requirements.

Votes on Final Passage:
Senate 47 1
House 89 7

Effective: July 26, 1987

SB 5418
C 63 L 87

By Senator Tanner

Authorizing deductions from retirement allowance for state patrol memorial fund.

Senate Committee on Transportation
House Committee on Transportation

Background: No deductions can be authorized from retirement allowances or benefits under the Washington State Patrol retirement fund, except for payment of premiums due on any group insurance policy or plan issued for the benefit of state employees.

Summary: This bill allows retired members of the Washington State Patrol to authorize deductions from their retirement allowances for contributions to the Washington State Patrol Memorial Foundation.

Votes on Final Passage:
Senate 41 0
House 96 0

Effective: July 26, 1987

SSB 5423
C 237 L 87

By Committee on Transportation (originally sponsored by Senators Peterson, Metcalf, Patterson, Johnson, Garrett and Bender)

Reinstating special consular license plates.

Senate Committee on Transportation
House Committee on Transportation

Background: Until last year the Department of Licensing (DOL) issued special license plates to honorary consuls. (An honorary consul is a citizen or resident of the United States who has been appointed by a foreign government to represent the country, and has been accepted as an official representative by the U.S. Department of State.) The annual vehicle registration fee and excise tax were imposed, as well as a one-time $25 special plate fee. The plates were distinguished by

the letters "DC" followed by four numerals. In some areas free parking is afforded to holders of honorary consul plates.

The authorization to issue these plates was repealed in 1986 based upon a misunderstanding of the U.S. State Department's decision to have all consul plates issued on the national level and to cease to recognize honorary consuls. Prior to this decision, DOL issued both consul and honorary consul plates. Because honorary consuls were no longer recognized on the national level, it was assumed that the State Department was recommending that the states no longer issue honorary plates. This issue has since been clarified and the issuance of honorary consul plates is left to the discretion of the individual states.

An honorary consul of a foreign government serves in the same capacity for that government as does an official career consul, but without full compensation. According to the state Office of Trade and Economic Development, the consuls are important to the trade and commerce of the state. The Department is requesting reinstatement of the special plate because Washington State does not have many ways in which to show the consuls the importance of their international relationships.

Of the thirty consular offices in Seattle, twenty-three are honorary consuls. There are only a few service career consuls living in Seattle because an official consulate is an expense to the originating country, and Seattle is not viewed as a key city to some foreign countries.

Summary: Every honorary consul or official representative of a foreign country, duly licensed and holding an exequatur issued by the U.S. Department of State, is entitled to apply to the Director of the Department of Licensing (DOL) for a special license plate.

The applicant shall pay the regular license fee and excise tax. The special $25 fee for the consular plate is deleted because the time and costs required to complete the programming for this one-time fee is excessive. The plates may be transferred to another vehicle; however, the Director of DOL must be immediately notified of the transfer. Plates that are removed but not transferred to another vehicle are to be immediately forwarded to the Director to be destroyed. When an honorary consul or official representative is relieved from his or her duties, the plates shall be returned to the Department and regular plates are issued.

Votes on Final Passage:

Senate	45	1	
House	87	8	(House amended)
Senate	48	1	(Senate concurred)

Effective: July 26, 1987

SB 5427

PARTIAL VETO

C 109 L 87

By Senators Kreidler and Bluechel; by request of Attorney General

Adopting an ecology procedures simplification act.

Senate Committee on Parks & Ecology
House Committee on Environmental Affairs

Background: The legislation creating the Department of Ecology and the Pollution Control Hearings Board in 1970 did not correct references in several procedural and appeal statutes which related to the Department's predecessor agencies, such as the Department of Water Resources and the Water Pollution Control Commission. Additionally, the Department of Ecology's procedures regarding the enforcement of water resources, air pollution, hazardous waste, noise pollution, general water pollution, and water pollution by oil differ in several respects. These include the Department's authority for mitigation of penalties, procedures for issuance of some regulatory orders, permits and licenses, and procedures for appeals to the Pollution Control Hearings Board. The authority for the issuance of stays of departmental orders, as well as the procedures for obtaining such stays, differ among the programs administered by the Department. The jurisdiction of the Pollution Control Hearings Board over various decisions of the Department is ambiguous under current law.

Summary: The Ecology Procedures Simplification Act of 1987 standardizes procedures for Department of Ecology enforcement and review under its various programs. The procedures of the Air Pollution Control Authorities are conformed to the procedures of the Department of Ecology. Uniform procedures for mitigation of civil penalties are included. The Pollution Control Hearings Board has exclusive jurisdiction over appeals of departmental decisions as to some regulatory orders, permits and licenses. A uniform standard for the issuance of stays of decisions by the Department or an air pollution control authority is adopted. Under the standard, the burden is upon the applicant to demonstrate either a likelihood of success on the merits or irreparable harm. If the applicant makes such demonstration, the burden shifts to the Department or an air pollution control authority to show either a substantial probability of success on the merits, or both a likelihood of success on the merits and an

overriding public interest which justifies denial of the stay.

The Pollution Control Hearings Board is given jurisdiction over appeals from certain decisions of the Department. References to a variety of authorities for issuance of orders, civil penalties, permits, and licenses in the water pollution, hazardous waste, water resources, air pollution, oil pollution, solid waste, noise pollution, and flood control programs are eliminated and standardized in the penalty procedures and appeals sections of the act. References to predecessor agencies of the Department are corrected. Procedural provisions relating to specific Department programs are repealed as they are replaced by standardized provisions.

Votes on Final Passage:

Senate	43	0	
House	96	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: July 26, 1987

Partial Veto Summary: Section 22 relating to the enforcement of state noise control laws is vetoed, to avoid a double amendment to existing law due to the signature by the Governor of Substitute Senate Bill 5389, an act relating to noise control. (See VETO MESSAGE)

SB 5428

C 400 L 87

By Senators Warnke, Sellar and Garrett

Allowing the publication of summaries of ordinances by small cities and towns.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: All cities, code cities, and towns must publish their ordinances. However, they may publish a section-by-section summary of these ordinances.

Summary: As an alternative to publishing every ordinance or a section-by-section summary of each ordinance at least once in an official newspaper, code and third class cities with populations of less than three thousand, and towns may publish in official newspapers a summary of the intent and content of any ordinance adopted. Such city or town must indicate the times and location where a copy of the ordinance is available for public inspection.

Votes on Final Passage:

Senate	49	0	
House	95	0	(House amended)
Senate	45	0	(Senate amended)

Effective: July 26, 1987

SB 5433

C 40 L 87

By Senators Bauer, Bailey, Bender, Gaspard, Rinehart, Saling, Patterson and Zimmerman

Providing for discussions about other western states' teacher certification programs.

Senate Committee on Education
House Committee on Education

Background: Current statute provides for Washington state participation in the Interstate Agreement on Qualifications of Educational Personnel. Unresolved issues remain between Washington and Oregon concerning recognition of program standards and certification requirements. Encouraging discussions between Oregon and Washington officials may contribute toward the resolution of differences.

Summary: The Higher Education Coordinating Board, the State Board of Education, and the Superintendent of Public Instruction are directed to establish ongoing discussions with Oregon and other western regional states to address issues relating to program standards and accreditation requirements for teachers, administrators, and educational staff associates, and definitions of educational staff associates.

The purpose of the discussions is to encourage agreements between Washington, Oregon, and other states to facilitate both interstate student teaching opportunities and interstate educational employment opportunities.

The Higher Education Coordinating Board is encouraged to enlist the assistance of the Western Interstate Commission on Higher Education.

Votes on Final Passage:

Senate	37	0
House	97	0

Effective: July 26, 1987

SSB 5439

C 466 L 87

By Committee on Natural Resources (originally sponsored by Senators Owen, Metcalf, Patterson and Stratton)

Designating department of natural resources as agency for surveys and maps and creating surveys and maps account in the general fund.

Senate Committee on Natural Resources
House Committee on Natural Resources

Background: The Surveys and Maps program of the Department of Natural Resources is funded from the proceeds of survey record sales and from part of the filing fees received by counties for recording survey maps. These revenues are placed in a separate surveys and maps account which also includes fees from sales under the Department's Photo and Map program. Revenue from survey records sales and the county collected fee of $15 per record do not fully support the Surveys and Maps program, and additional support is needed to maintain the current level of the program.

The state base mapping program was established in 1973 and at that time, the Department was designated as the central agency for state surveys and state mapping, although other departments also conduct some survey and mapping activities to meet specific agency requirements.

The Parks and Recreation Committee has been purchasing some state trust lands for state parks. The Commission and the Department of Natural Resources conducted a study of trust lands for park purposes in 1986 and 22 parcels were identified as having potential park use.

Summary: The Department of Natural Resources rather than the Division of Engineering Services of the Department is designated as the agency responsible for surveys and maps. The Department shall supervise the distribution and sale of maps, map data, photographs and publications which the Department may have. The existing recording fee of $15 which is collected by each county is eliminated and the fee will be set by the Board of Natural Resources. The provision that 10 percent of the fee is credited to the county and 90 percent is credited to the surveys and maps account of the general fund is eliminated. Funds set by the Board will be placed in the survey and maps account and will be used for all survey and map programs.

The Board of Natural Resources and the State Parks and Recreation Commission will negotiate a sale of the following trust lands including timber: Packwood; Iron Horse; Lake Sammamish; Point Lawrence; Huckleberry Island; Larrabee; Hoypus Hill. Payment from the trust land purchase account for these lands may be delayed until payment is made for the previous purchases. The Commission and DNR may occasionally study trust lands to identify potential park sites.

Votes on Final Passage:

Senate	49	0	
House	98	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	97	0	
Senate	43	1	

Effective: July 26, 1987

SB 5442

FULL VETO

By Senator Barr

Requiring department of natural resources to extinguish forest fires as a first priority.

Senate Committee on Natural Resources
House Committee on Natural Resources

Background: The Department of Natural Resources (DNR) is responsible for preventing and suppressing fires on state and private forest land. The DNR's mandate is to suppress forest fires. This mandate includes all activities involved in the containment and control of forest fires including patrolling such fires until they are extinguished and pose no further threat to life or property. This mandate does not extend to structure fire suppression.

The DNR has found that although they do not fight structural fires, forest fires in areas with residential development cause additional burdens and costs to fire suppression activities.

Summary: The first priority of DNR fire crews is to extinguish the fire. The crews shall secondarily ascertain the necessity of removing individuals or property from the area of the fire. The DNR crews may assist those in immediate danger.

Votes on Final Passage:

Senate	48	0
House	93	5

FULL VETO: (See VETO MESSAGE)

SB 5444

REFERENDUM

C 246 L 87

By Senators Moore, Metcalf, Vognild, Pullen, Conner, von Reichbauer, Bender, Barr, Talmadge, Deccio, Johnson, Garrett, Owen, Rasmussen, West, Smitherman, Patterson, Craswell, Tanner, Nelson, Bailey, Bauer, Zimmerman, Hayner and Sellar

Challenging the delegation of authority to create money.

Senate Committee on Financial Institutions
House Committee on Financial Institutions & Insurance
House Committee on Ways & Means/Appropriations

Background: In 1913 Congress adopted the Federal Reserve Act, creating the Federal Reserve System. Currently, the Federal Reserve has extensive regulatory authority over banking, credit and monetary supply. This authority includes the power to establish and monitor bank reserve requirements, to control the growth of money, to regulate banks and to enforce consumer credit laws. In 1978 Congress adopted the Full Employment and Balanced Growth Act, which directed the Federal Reserve to maintain the long-run growth of the monetary and credit supplies to promote the goals of maximum employment, stable prices and moderate long-term interest rates.

The Federal Reserve System is composed of the Board of Governors, and 12 Federal Reserve banks, the Federal Open Market Committee and other advisory committees. The Board of Governors of the Federal Reserve is composed of nine members appointed by the President and confirmed by the Senate. The Federal Reserve banks are owned by member banks located in each of 12 Federal Reserve districts. The board of directors of each Reserve bank is composed of nine members, six of whom are elected by the member banks and three of whom are appointed by the Board of Governors. The Federal Open Market Committee is composed of the seven members of the Board of Governors and five presidents of the 12 Reserve banks.

The Board of Governors has general control over the entire Reserve System and promulgates the regulations for the system. The Federal Open Market Committee effectuates monetary policy. The committee generally exercises control over the money supply through the purchase and sale of U.S. government securities. The Reserve banks are responsible for oversight of member banks within its district, lend money to member banks and operate check processing facilities, among other functions.

Funding for the Federal Reserve is accomplished through assessments on Federal Reserve banks, and no appropriation from Congress is necessary to support the Federal Reserve or to authorize spending by the Federal Reserve. The Comptroller General of the United States has the authority to audit the Federal Reserve System, but no government agency is permitted to audit the Reserve's monetary policies or actions. In addition, an independent national accounting firm audits the Federal Reserve's accounts annually.

Summary: Upon approval by the people of the State of Washington, the Legislature will appoint legal counsel to file suit in the United States Supreme Court to challenge the constitutionality of the delegation, by Congress to the Federal Reserve System, of authority to create money and control monetary policy.

Votes on Final Passage:

Senate	36	9
House	77	17

Effective: July 26, 1987

2SSB 5453

C 409 L 87

By Committee on Ways & Means (originally sponsored by Senators Tanner, Kreidler, Kiskaddon, Stratton, Anderson, Johnson and Moore; by request of Department of Social and Health Services)

Modifying provisions relating to respite care projects.

Senate Committee on Human Services & Corrections and Committee on Ways & Means
House Committee on Health Care

Background: In 1984 as part of the long-term care services provided for disabled adults, the Legislature authorized the Department of Social and Health Services to establish demonstration projects on respite care services. Respite care services provide relief and support to family, or other unpaid caregivers, of disabled adults, as assistance to encourage an alternative to institutionalization. The usual caregiver is given a break while temporary care is provided. The state charges for services on a sliding scale.

Through the Governor's 1987-89 budget request, the Department is seeking funding to expand the respite care program.

Summary: The statute authorizing DSHS to provide for respite care demonstration projects is modified.

The Department is authorized to provide for respite care according to priorities it establishes. Respite care is expanded to include services appropriate to the needs of persons caring for individuals with dementing illnesses.

The annual maximum hours (576) and the maximum number of days (24) are both abolished. Program eligibility is determined by the Department in rule.

The maximum number (3) and the minimum number (2) of Area Agencies on Aging which may administer respite care projects are abolished. The Department may select any number of project sites within funds available.

The Department is to submit a progress report on respite care projects no later than 30 days prior to the 1989 legislative session, to include a cost comparison of in-home and out-of-home services, and recommendations for including respite care services under the Senior Citizens Services Act.

Votes on Final Passage:

Senate	49	0	
House	92	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	97	0	
Senate	40	0	

Effective: May 18, 1987

SSB 5456

C 270 L 87

By Committee on Transportation (originally sponsored by Senators Peterson, Bailey, Vognild, Johnson, Bender, Craswell and Hansen; by request of Office of the Governor)

Adopting the supplemental transportation budget.

Senate Committee on Transportation
House Committee on Transportation

Background: The state of Washington receives allocations of federal funds for traffic safety programs administered by the Traffic Safety Commission.

Authorized by the U.S. Congress are unanticipated federal allocations of $510,000 which must be appropriated.

Newly designed vehicle license plates, commemorative of the state's centennial, are being issued by the Department of Licensing. Citizens may obtain a centennial license plate at the replacement cost of a regular license plate, plus an additional one dollar. The additional dollar is deposited in a special centennial fund.

The design and purchase costs for the centennial license plates have not been appropriated.

The U.S. Congress authorized $43.58 million for federal fiscal year 1987, for a Navy homeport in Everett, Washington. Congress prohibited the obligation and expenditure of these funds until the state of Washington has appropriated its share of funds for homeport impacts in 1988 and 1989, and until all federal, state and local permits for necessary dredging activities are obtained. $13.1 million of state and federal general fund appropriations have been proposed under separate legislation to offset the increased demands for public services expected during the 1987-89 biennium as a result of the homeport project.

The Navy homeport project will require an estimated $32.2 million for off-base road work, to provide access to the Navy base and alleviate impacts on local community traffic. Of this total, it has been determined that $18.9 million of expenditures will be required in the 1987-89 biennium.

The cost for off-base road work in 1987-89 has been allocated to federal, state and local governments as follows:

Federal Share	13.0
State Share	3.5
Local Share	2.4
	$18.9 million

Summary: Supplemental appropriations are made for the 1985-87 biennium.

An additional $510,000 of federal funds are appropriated for expenditure from the Highway Safety Fund.

A supplemental appropriation of $328,000 from the Motor Vehicle Fund is provided for the purchase of commemorative centennial license plates.

Old language is deleted from the appropriation act, which referred to a report on an automation project, due December 15, 1986.

A supplemental appropriation of $3.5 million from the Motor Vehicle Fund is made to the Governor. The appropriation is for new projects for safety and capacity improvement to streets and highways in the vicinity of the Navy Homeport in Everett.

Funds appropriated for the Everett Navy Homeport which are unexpended on June 30, 1987 are reappropriated for the biennium ending June 30, 1989.

No funds under this section may be spent until actual construction or site preparation is started,

except as may be necessary to meet the requirements of federal legislation authorizing the construction of the homeport.

The Governor is to allocate this appropriation to specific agencies to offset directly incurred costs associated with the homeport and documented by the agency. Appropriation adjustments and actions are to be reported by the Governor to the Legislature on January 1 of 1988 and 1989.

Votes on Final Passage:

Senate	35	13
House	77	21

Effective: May 7, 1987

SB 5463

C 349 L 87

By Senators Fleming, von Reichbauer, Hansen, Gaspard, Smitherman, Rinehart, McDermott, Bauer, Vognild, Rasmussen and Moore

Establishing a program to increase students' awareness of other nations.

Senate Committee on Education and Committee on Ways & Means
House Committee on Education
House Committee on Ways & Means/Appropriations

Background: Washington's geographic location presents the state an opportunity to develop cultural, foreign trade, and other special ties with nations that comprise the Pacific Rim. It is suggested that an international education program would enhance the state's ability to establish such ties and promote better understanding about other nations and Washington's relationship to those countries.

Summary: The Superintendent of Public Instruction (SPI) is required to establish an advisory committee on international education issues. The Superintendent shall also establish a working committee to develop international education model curriculum or curriculum guidelines.

The SPI may grant funds to selected school districts to develop and implement international education programs. Districts may develop their own model curriculums for participation in the grant program.

Grant application plans must include: district participation in the model curriculum/guidelines development activities; intent to conduct a foreign language program including either Japanese or Mandarin Chinese beginning in the ninth grade; staff in-service training program and the international education curriculum; evaluation of the pilot program; and a goal to enlist participation by private enterprise, the community, cultural and ethnic associations, and exchange students or students who have participated in exchange programs.

The Superintendent shall select five grant projects by January 1, 1988 which are to be implemented beginning with the 1988–89 school year. The international education program is considered a social studies offering for the purposes of the state's minimum high school graduation requirements.

The SPI, in cooperation with the advisory committee, is to conduct a feasibility study on establishing an international education curriculum resource center and submit a report to the Legislature by January 1, 1988. The SPI shall submit a report to the Legislature by January 1, 1991, on the progress of the grant program.

Votes on Final Passage:

Senate	25	23	
House	63	32	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	60	37	
Senate	25	19	

Effective: July 26, 1987

SSB 5464

C 266 L 87

By Committee on Judiciary (originally sponsored by Senators Halsan and Nelson)

Authorizing district courts to collect fines through credit cards and collection agencies.

Senate Committee on Judiciary
House Committee on Judiciary

Background: Courts of limited jurisdiction may use collection agencies in an attempt to collect unpaid fines and forfeitures. However, before a debt may be assigned to a collection agency, there must be an attempt to advise the debtor of the existence of the debt and that it may be assigned to a collection agency thirty days after notice is sent to the debtor.

The fines and forfeitures which are collected by district courts, including those collected by collection agencies, are to be remitted monthly to the county treasurer. Thirty-two percent of this money is then sent to the State Treasurer. The remainder of the

funds received by the county is to be deposited in the county's current expense fund.

Summary: Courts of limited jurisdiction are allowed to use collection agencies under chapter 19.16 RCW to collect unpaid public debts including penalties on infractions, criminal fines, costs, assessments, civil judgments or forfeitures. These courts may enter into agreements with one or more attorneys or collection agencies for collecting unpaid penalties, fines, costs, assessments and forfeitures. The agreements may specify the scope of work, remuneration and other appropriate charges. Monies paid for remuneration to collecting attorneys, collection agencies, or in the case of credit cards, to financial institutions may be imposed as court costs by the court. The delinquencies are not considered to be assigned debts when collection agencies or attorneys are employed to collect them but the court retains control of them. Courts of limited jurisdiction may also use credit cards for billing and collecting paid and unpaid fines and forfeitures.

Votes on Final Passage:

Senate	49	0	
House	87	10	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 26, 1987

SSB 5466

C 83 L 87

By Committee on Financial Institutions (originally sponsored by Senators Moore, Bender and Metcalf; by request of Insurance Commissioner)

Revising provisions on fees assessed against health maintenance organizations.

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

Background: In 1986 the Legislature passed legislation providing that a pro rata share of the cost of regulating health maintenance organizations (HMOs) be assessed to each HMO. The fee to be charged is based on the HMO's total receipts for the year, but may not exceed 5 1/2 cents per person. The legislation was intended to allow HMOs, health care service contractors, and commercial insurers to be regulated in the same fashion. Fees collected are currently deposited in the general fund.

Summary: Each HMO is subject to a minimum $1,000 fee which is to be deposited in the Insurance Commissioner's regulatory account. Minimum fees assessed and the deposit of the collected fees by HMOs are to be consistent with the present practices of health care service contractors and commercial insurers.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: July 26, 1987

SB 5469

C 195 L 87

By Senators Talmadge, Nelson and Halsan; by request of Office of the Code Reviser and Department of Trade and Economic Development

Correcting obsolete statutory references relating to the department of trade and economic development.

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

Background: Currently various sections of the Revised Code make inaccurate references to the Department of Trade and Economic Development, the state trade fair fund, and the Small Business Export Finance Assistance Center. In addition, the Code contains several temporary chapters and sections which make reference to Expo 74, Energy Fair 1983, and the Department of Trade and Economic Development.

Summary: Several sections of the Code are amended to reference the correct titles of the Department of Trade and Economic Development, the state trade fair fund and the Small Business Export Finance Assistance Center.

A number of temporary chapters and sections pertaining to Expo 74, Energy Fair 1983, and the Department of Trade and Economic Development, are decodified.

Votes on Final Passage:

Senate	48	0
House	94	0

Effective: July 26, 1987

SSB 5479

PARTIAL VETO

C 525 L 87

By Committee on Education (originally sponsored by Senators Gaspard, Bauer, Bender, Williams, Talmadge, DeJarnatt, Wojahn and Smitherman; by request of Office of the Governor)

Providing for the improvement of teachers and schools.

Senate Committee on Education
House Committee on Education
House Committee on Ways & Means/Appropriations

Background: National, state, private sector, and legislative studies have touched upon a number of educational issues, including: the impact of laws and state-level regulations on local school district operations and educational programs; teacher certification, including testing requirements; training and certification standards for principals; the quality of teacher preparation programs, including student teaching opportunities; alternative certification requirements; and education in-service. It is suggested that improvements in these and other areas can strengthen Washington's public school system and promote educational excellence.

Summary: This Governor's request legislation deals with a schools for the 21st century pilot program, pilot primary block education programs, teacher and principal preparation and certification requirements, and staff development.

The Schools for the 21st Century pilot program is established to allow selected schools to restructure operations through waivers of some statutes and regulations. The Governor shall appoint a 10 member task force to assist the State Board of Education in developing criteria governing grant application procedures, reviewing applications, selecting projects, monitoring and evaluating the program.

Pilot projects receive funding for two years but with State Board approval may continue for up to six years. The State Board selects not more than 21 school projects per biennium and at least one entire school district may be selected. Initial projects will begin during the 1988-89 school year.

Grant applications are submitted by district boards and include: Provisions for certificated and classified staff to be employed on supplemental contracts for at least ten days beyond the 180 day school year; evaluation and accountability processes used in measuring student performance; justification for at least the first two years of each waiver requested.

The State Board of Education and the Superintendent of Public Instruction are authorized to grant waivers from statutes or administrative rules. Rules dealing with public health, safety and civil rights shall not be waived. The State Board is to report to the Legislature by January 15, 1989, and each odd-numbered year thereafter. The projects will terminate on June 30, 1994.

Pilot primary block education programs are established through the Office of the Superintendent of Public Instruction. Grants are awarded to selected districts and SPI may receive and administer gifts, grants and contributions for the program.

Effective after June 30, 1989, no one may be admitted to a teacher preparation program who has a combined score on the Washington Pre-College Test (WPCT) that is less than the statewide median score for the prior school year scored by all persons taking the WPCT.

The State Board is to adopt a uniform state exit examination for initial certification. Effective after August 31, 1993, candidates must pass the pedagogy examination in order to receive initial certification.

Effective after August 31, 1992, an applicant for initial teacher certification must hold a baccalaureate degree in the arts, sciences and/or humanities. Candidates for preschool through grade six certificates shall have fulfilled the requirements for a degree major. If the major is in early childhood, elementary, or special education, at least 30 quarter or 20 semester hours must be in one academic field. For professional level certification, after August 31, 1992, candidates must hold a masters in teaching or in the arts, sciences, and/or humanities.

The initial certificate is valid for two years and may be renewed for three by enrollment in a masters program. An additional two-year extension may be granted if the candidate shows substantial progress and that the degree will be completed in the extension period. The initial certificate is valid for no more than seven years.

New rules for certification of principals are to be adopted by the State Board. To obtain initial-level certification, candidates must hold a professional-level teaching certificate. To obtain professional-level certification candidates must complete a course of study through the administrators academy or an SPI approved program offered by professional associations or higher education institutions.

The SPI is to establish an administrators' academy which shall focus on methods of developing and refining the administrative and leadership skills of school

administrators and is to report on implementation and progress by January 15, 1989.

The State Board of Education shall by January 15, 1990: (1) study the impact of eliminating the education major and submit a report to the Legislature; (2) make recommendations regarding a written subject matter examination for certification; (3) develop standards for professional certification for persons entering education from other fields; and, (4) with the Higher Education Coordinating Board develop standards for a masters in teaching degree program.

The State Board of Education is to establish a pilot program for innovative ways to expand student teaching opportunities throughout the state. SPI awards the grant funds and applications must include provisions for training for cooperating teachers, other building or district personnel, and field–based supervisors of student teachers. If no more than one grant application is approved, it must include participation by an educational service district. The project expires January 16, 1990, and a report to the legislature is to be submitted by January 15, 1990.

The Washington Award for Excellence in Teacher Preparation is established to recognize each year one teacher educator from the state's teacher preparation programs. The teacher preparation program unit of the higher education institution from which the educator is selected is eligible to apply for a grant of up to $2,500.

Building–level staff development plans must be included as part of a district's needs assessment if the district applies for state funds under the In–Service Training Act and such plans must be consistent with the goals of basic education.

The SPI is to appoint a temporary task force to identify state and local district requirements for forms and paperwork by teachers. After such identification, the SPI shall recommend ways in which local and state reporting requirements might be combined and streamlined.

Votes on Final Passage:

Senate	26	23	
House	95	2	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	97	0	
Senate	37	9	

Effective: June 15, 1987 (Section 303)
July 26, 1987

Partial Veto Summary: The Governor's veto removes the following programs and provisions: grant program for primary block education pilot programs; establishment of an administrator's academy; new principal certification requirements; Washington Award for Excellence in Teacher Preparation program; temporary teacher paperwork reduction task force. (See VETO MESSAGE)

SB 5483

C 448 L 87

By Senators Patterson and Metcalf

Authorizing certain leaves of absence to be credited toward higher education retirement benefits.

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

Background: Faculty members of institutions of higher education occasionally take leaves of absence without pay to work with the United States government as well as other foreign and domestic governmental and non–governmental entities. In many instances, the salaries received for this work do not flow through institutional channels. This has the effect of interrupting service for the purpose of retirement as neither the faculty member nor the institution may contribute to the institutional retirement system on the basis of external service and salary.

Summary: A faculty member who takes an authorized leave of absence without pay to enter into a personal service contract with an agency of the United States government, an agency of a foreign power, the United Nations or a nonprofit organization, may pay both the member's and employer's contribution to the retirement system established by the institution of higher education and thereby receive credited service. The contribution is to be based on the average of the employee's compensation at the time the leave was taken and the time the member returns to employment. The supplemental amount, paid upon retirement, if any, may be based on up to two years of leave from the institution of higher education.

Votes on Final Passage:

Senate	48	0	
House	92	4	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 26, 1987

SSB 5495

C 87 L 87

By Committee on Natural Resources (originally sponsored by Senators Stratton, McDonald, DeJarnatt, Patterson, West, Saling and Barr)

Revising provisions relating to taking food fish for personal use.

Senate Committee on Natural Resources
House Committee on Natural Resources

Background: Recreational salmon fishermen between the ages of 16 and 69 are required to purchase a salmon angling license (punchcard). There are no other licensing requirements of recreational food fish fishermen.

The Department of Fisheries has stated that licensing of all food fish recreational anglers would increase opportunities for federal funding of state fishery programs, as well as providing more funding for the state general fund.

Summary: A personal use license is required for recreational harvesting of food fish except for carp and sturgeon on the Columbia River above Chief Joseph Dam. The fee for the annual license is $3 for residents and $9 for nonresidents. Charter boat or other food fish anglers may purchase a two-day combined license/punchcard for $3. Salmon punchcards are required for people who fish for salmon with an annual license. The fee is $3 and punchcards are valid for a maximum catch of 15 salmon.

Licensing reciprocity with Oregon is extended to Leadbetter Point if Oregon approves license reciprocity of Washington licenses southward to Cape Falcon. A punchcard is authorized for sturgeon, lingcod, or halibut; the fee is $3. The dealer's fee for a Department of Fisheries license is set at 50 cents each. Fees from the sale of licenses and punchcards are deposited in the general fund for appropriation to the salmon, marine fish and shellfish programs of the Department.

Votes on Final Passage:

Senate	30	19
House	76	21

Effective: January 1, 1988

2SSB 5501

C 259 L 87

By Committee on Ways & Means (originally sponsored by Senators Vognild, Metcalf, Nelson, Rasmussen and Talmadge)

Creating the aquatic land dredged material disposal site account.

Senate Committee on Natural Resources and Committee on Ways & Means
House Committee on Natural Resources
House Committee on Ways & Means/Appropriations

Background: The closure of existing dredge spoil sites due to environmental concerns has created a need for new sites. In 1984 the Department of Ecology, the Commissioner of Public Lands, and the Administrator of Region 10 of the federal Environmental Protection Agency petitioned the Corps of Engineers in Seattle to conduct a study of open water dredge disposal sites in Puget Sound.

The Corps of Engineers agreed to undertake a two-phase study. Phase one of the study is the selection of sites in Commencement Bay, Elliott Bay, and Port Gardner. The remaining sites will be investigated in a second phase to be completed in 1988. The study involves selection of sites, evaluation of procedures on what could go into the sites, and methods for management and monitoring. Phase one of the study is in final draft and will be made public in the form of an environmental impact statement in the spring of 1987.

Funds are needed for monitoring the three sites selected in phase one and for monitoring of future sites. Dredge disposal fees assessed on dredge material will eventually cover the Department of Natural Resources monitoring and administrative costs.

Summary: The Legislature finds that the Department of Natural Resources manages and monitors aquatic land disposal sites on state-owned aquatic lands for materials dredged from rivers, harbors, and shipping lanes. These sites are approved through a cooperative planning process conducted by the Departments of Natural Resources and Ecology, the United States Corps of Engineers, the Environmental Protection Agency and the Puget Sound Water Quality Authority. The sites are essential to commerce, and monitoring of the sites is necessary to protect the environment and to assure appropriate use of state-owned aquatic lands.

An aquatic land dredge material disposal site account is created in the office of the State Treasurer. The account will consist of funds appropriated to the account by the Legislature, funds transferred or paid

to the account pursuant to settlements, court or agency orders and judgments, gifts to the account, and all funds received by the Department of Natural Resources from user fees.

The fund may be used for the management and environmental monitoring of aquatic land dredged material disposal sites. The account is subject to allotment procedure as provided in Chapter 43.88 and the fund is subject to legislative appropriation.

The Department shall examine the costs of site management and environmental monitoring and may establish fees for the use of such sites in amounts no greater than necessary to cover estimated costs. All such revenues will be placed in the aquatic land dredged material disposal site account.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 1, 1987

SSB 5502

C 344 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Rinehart, Warnke, Halsan, Lee, Wojahn, Talmadge, Tanner, Bottiger, Bailey, Smitherman, Vognild, Williams, Garrett, Stratton and Moore)

Creating enforcement provisions for new motor vehicle warranties.

Senate Committee on Commerce & Labor
House Committee on Commerce & Labor
House Committee on Ways & Means/Appropriations

Background: In 1983 the Legislature established standards regarding express warranties of new motor vehicles. An express warranty is a written statement arising out of the sale of the motor vehicle. If a manufacturer provides an express warranty, then it must adhere to the current law.

After a reasonable number of attempts to conform the vehicle to the express warranty, the manufacturer must repurchase the vehicle from the buyer at the original purchase price, minus the amount based on the buyer's use. A reasonable number of attempts is defined as four or more repair attempts of the same defect.

If the buyers do not choose repurchasing, they may choose the assistance of an informal dispute resolution process established by the manufacturer. Manufacturers are not required to establish such a process, but if they do, then their processes must substantially comply with federal standards.

Summary: Any self-propelled motor vehicle for which a warranty is provided is covered, except motorcycles, trucks with 19,000 pounds or more gross vehicle weight rating, and a fleet of ten or more vehicles. The self-propelled vehicle and chassis of motor homes are covered, but not the housing structure. Vehicles must be purchased and registered in Washington.

Express warranty is redefined to include written or oral affirmations of fact by the manufacturer that become the basis of the bargain for a new motor vehicle. Implied warranties are included. The maximum warranty coverage of the law is 24 months or 24,000 miles, whichever occurs first.

If a nonconformity remains uncorrected after a reasonable number of attempts to repair, the manufacturer must replace the new motor vehicle with a comparable replacement or repurchase from the buyer. The repurchase price is the original price paid, minus a reasonable offset for buyer use, plus collateral charges and incidental costs. A nonconformity is a defect or condition that substantially impairs the use, value or safety of a new motor vehicle.

Reasonable number of attempts to repair is four times for the same nonconformity and two times for a serious safety defect. If the defect is covered by a written warranty, at least one repair must occur during the warranty period, which must be not less than 12 months or 12,000 miles.

The Attorney General (AG) must contract with private entities to establish new motor vehicle arbitration boards to settle disputes between consumers and manufacturers. The Attorney General develops standards for the private boards which include the right to present testimony, to cross-examine witnesses, to be represented by an attorney and arbitration procedures. Applications for arbitration are screened by the AG, who will provide information to consumers on their rights and remedies and may make determinations on the dispute's eligibility for arbitration.

A consumer may choose to first submit a dispute to an arbitration board established by a manufacturer that substantially complies with federal law. This option is available only until December 31, 1988.

If the AG is unable to contract with private entities that comply with applicable state standards by January 1, 1988, the AG shall establish one or more new motor vehicle arbitration boards that are staffed by the AG.

Both the consumer and manufacturer may appeal and request a new trial on the arbitration board decision. If the manufacturer appeals, the court may

require the manufacturer to post security for the consumer's financial loss due to the passage of time for review. If the manufacturer brought the appeal without good cause, the court must double the damage award and may treble it.

A fee of $5 will be collected from buyers of new motor vehicles beginning on June 1, 1987 to establish the funding for the arbitration boards.

By January 1, 1990, the appropriate Senate and House committees shall review the effectiveness of the remedies for consumers and the role of the Attorney General. By January 1, 1992, the Legislative Budget Committee shall conduct a sunset review and report to the Legislature. The law terminates in June 1992 if not extended.

Votes on Final Passage:

Senate	45	2	
House	88	7	(House amended)
Senate	47	2	(Senate concurred)

Effective: June 1, 1987 (Section 9)
July 26, 1987
January 1, 1988 (Sections 2–8, 10–12, 14–16)

SSB 5510

C 332 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, McCaslin and Smitherman; by request of Department of Licensing)

Modifying provisions relating to real estate licenses.

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

Background: The Department of Licensing requests this legislation in order to clarify and strengthen its regulatory authority over licensure of individuals and corporations in real estate. To upgrade the education of licensees, the Department wants the ability to make grants to higher education institutions.

The Department sees a need to have authority to impose fines for enforcement and use the money generated for the education of licensees.

Existing law sets specific dollar amounts for all fees; the Department requests the flexibility to set fees.

Summary: The Department of Licensing is given authority to impose fines, not to exceed $1,000, for violation of real estate licensure, to make grants to higher education institutions and to set all the fee amounts.

The fines collected are deposited in an account to be used solely for the education of licensees, either through Department sponsored programs or through grants to higher education. Fees for certification of real estate schools are established. The residency requirement is removed. Fingerprinting of applicants is no longer required.

The Director of the Department of Licensing may waive the 30–hour course requirement for new licenses and for reactivation of an inactive license for individuals who are similarly qualified through practical experience.

Votes on Final Passage:

Senate	35	2	
House	97	0	(House amended)
Senate	44	2	(Senate concurred)

Effective: July 26, 1987

SSB 5511

C 326 L 87

By Committee on Ways & Means (originally sponsored by Senators Gaspard and Johnson; by request of Department of Retirement Systems)

Establishing a mechanism for mandatory assignment of divided retirement benefit payments.

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

Background: The mandatory division of retirement benefits by courts is contained in statutes governing the Department of Retirement Systems (DRS) and the Department of Social and Health Services. In some instances the statutes are ambiguous, leaving these agencies vulnerable to making illegal payments.

Summary: The bill establishes a mechanism called a "mandatory benefits assignment order" which enables recipients of a spousal maintenance or property division payment under a decree of separate maintenance or dissolution to obtain a court order requiring such payments be made by DRS from benefits due the obligor.

The mandatory benefits assignment order may be included in a decree when entered or added after the fact. The order does not trigger unless a payment is more than 15 days overdue and the total past due payment is equal to or greater than $100. The order, however, may be granted for a division of member contributions even if the payment is not overdue.

DRS may divide the payment of a withdrawal of contributions when such division is ordered by the

court and the order is received by DRS at least 30 days in advance of the payment.

The bill does not impact a mandatory wage assignment order for child support or an order to withhold or deliver in connection with child support enforcement proceedings.

Votes on Final Passage:

Senate	47	2	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 1, 1987

SSB 5512

C 384 L 87

By Committee on Ways & Means (originally sponsored by Senators Gaspard and Johnson; by request of Department of Retirement Systems)

Revising provisions relating to service credit under the public employees retirement system.

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

Background: In addition to other eligibility criteria, the Public Employees' Retirement System (PERS) provides that a retiree who returns to employment and membership in PERS, Tier I, must work two years before any service credit may be granted.

Summary: A retiree from PERS who returns to employment and membership in PERS, Tier I, shall be granted service credit immediately if all other eligibility criteria are met.

Votes on Final Passage:

Senate	47	0	
House	92	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 1, 1987 (Section 1)
July 1, 1988 (Section 2)

SB 5513

C 215 L 87

By Senators Gaspard and Johnson; by request of Department of Retirement Systems

Revising provisions relating to withdrawal, restoration, and interest on state patrol retirement contributions.

Senate Committee on Ways & Means
House Committee on Transportation

Background: The Washington State Patrol Retirement System (WSPRS) provides that restoration of withdrawn contributions be done within four years of reentry into WSPRS, and that such restoration does not require interest payment; and that 2.5 percent interest be credited annually to the member's account. The other retirement systems of the state provide a five-year restoration period and that interest, determined by the Director, Department of Retirement Systems (DRS), be paid from the date of withdrawal. The interest credited to the member accounts of the other systems of the state is determined by the Director, DRS.

Summary: The period for a member of WSPRS to restore withdrawn contributions is extended from four years to five years. Interest is to be paid on such restored contributions from the date of withdrawal at a rate determined by the Director, DRS.

Interest credited to the WSPRS member's account is revised from 2.5 percent to a rate determined by the Director, DRS.

Votes on Final Passage:

Senate	47	0
House	95	0

Effective: July 1, 1987

SSB 5514

C 309 L 87

By Committee on Governmental Operations (originally sponsored by Senators Talmadge, von Reichbauer, Nelson and Bender)

Revising competitive bidding requirements for water and sewer districts.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: The only instance wherein the competitive bid requirements, for materials purchased or work ordered by a water district or a sewer district, may be waived is upon a declaration of emergency.

Individuals who privately finance and construct extensions to sewer and water district systems would prefer using their own engineer.

Summary: In addition to a declaration of emergency, the competitive bid requirements for purchases by a sewer district or water district may be waived for purchases which are clearly and legitimately limited to a single source of supply, and purchases in special instances wherein the price may be best established by direct negotiation.

A water or sewer district may not designate the engineer for an extension to its system if the extension is privately financed and constructed. However, the water or sewer district may approve or reject the plans or designs prepared by the engineer for the private party.

Votes on Final Passage:

Senate	48	0	
House	95	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 26, 1987

2SSB 5515

C 149 L 87

By Committee on Ways & Means (originally sponsored by Senators Warnke, Cantu and Moore; by request of Department of Licensing)

Revising vessel dealer registration.

Senate Committee on Commerce & Labor and Committee on Ways & Means
House Committee on Transportation

Background: Watercraft owners are required to register and pay an excise tax based on the value of their vessels. Vessel dealers must also register and pay a small fee. Some dealers have misused the dealer decals, placing them on private vessels to avoid paying an excise tax. The watercraft registration process needs reform to address this problem.

Summary: A surety bond of $5,000 is required of vessel dealers. Vessel dealers selling fewer than 15 vessels per year of less than $2,000 each in value are exempt from the surety bond requirement. Dealers are required to maintain an office with an exterior sign, pay a $50 registration fee and decal fees, and report sales. Authorized uses of decals are specified.

Vessel dealers must place funds received from sales into a trust account until the vessel is delivered. Violations of the trust account requirement subject the dealer to penalties. Penalties for abuse of decals, misrepresentation of facts in filing an application, and registration or trust account violations include revocation of registration, up to $1,000 in civil penalties, and a fine of up to twice the value of the appropriate excise tax. Upon sale of a vessel the dealer must transfer title to the purchaser.

Appropriation: $314,000 to the Department of Licensing

Votes on Final Passage:

Senate	31	13	
House	98	0	(House amended)
Senate	35	10	(Senate concurred)

Effective: July 1, 1987

SSB 5519

C 104 L 87

By Committee on Governmental Operations (originally sponsored by Senators Halsan and McCaslin)

Providing for vesting of rights in specified situations.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: Washington State has adhered to the current vested rights doctrine since the Supreme Court case of State ex rel. Ogden v. Bellevue, 45 Wn.2d 492 (1954). The doctrine provides that a party filing a timely and sufficiently complete building permit application obtains a vested right to have that application processed according to zoning, land use and building ordinances in effect at the time of the application. The doctrine is applicable if the permit application is sufficiently complete, complies with existing zoning ordinances and building codes, and is filed during the period the zoning ordinances under which the developer seeks to develop are in effect. If a developer complies with these requirements, a project cannot be obstructed by enacting new zoning ordinances or building codes. West Main Associates v. Bellevue, 106 Wn.2d 47 (1986).

The vesting of rights doctrine has not been applied to applications for preliminary or short plat approval.

Summary: The vested rights doctrine established by case law is made statutory, with the additional requirement that a permit application be fully completed for the doctrine to apply. The vesting of rights doctrine is extended to applications for preliminary or short plat approval. The requirements for a fully completed building permit application or preliminary or short plat application shall be defined by local ordinance.

Limitations contained in sections 1 and 2 shall not restrict conditions imposed under the State Environmental Protection Act.

Votes on Final Passage:

Senate	46	1	
House	97	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: July 26, 1987

SSB 5520

C 340 L 87

By Committee on Governmental Operations (originally sponsored by Senators Halsan and McCaslin)

Limiting improvements financed by improvement districts to two hundred percent of the amount originally proposed at the time the district was created.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: Several entities of local government are authorized to form local improvement districts (LIDs). These districts are mechanisms used to finance all or part of the costs of public improvements that benefit, or increase the value of, real property located in the vicinity of the improvements.

Special assessments are imposed on real property within the LID. The assessments may be paid in a lump sum, or in installments. Those property owners who do not pay their special assessments in a lump sum pay installments to retire bonds issued to obtain the full funding required to finance the LID improvements.

Legislation was enacted in 1985 that allowed local governments to establish a reserve fund to secure a specific LID bond issue. This reserve fund is in addition to a guaranty fund used to secure any LID bond issues of the local government.

Summary: If a reserve fund is created to secure payment of an LID bond issue, the local government must credit each property owner's proportionate share of money assessed to create the reserve fund, plus accrued interest, to reduce the property owner's nondelinquent assessment or installments. The amount of bonds outstanding may not exceed the amount of assessments outstanding. Each payment of a nondelinquent assessment or installment will be reduced by the amount of credit. The balance of a reserve fund remaining after retirement of the bonds will then be transferred to the local government's guaranty fund.

Local governments that did not provide for the reimbursement of reserve fund money to property owners before the effective date of the act must divide and proportionately distribute the balance of the reserve fund to property owners after the bonds have been paid. If a lien has been imposed on property for an unpaid assessment or installment, the owner of the property subject to the lien is not eligible to receive a share of the reserve fund balance.

Votes on Final Passage:

Senate	45	0	
House	97	1	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 26, 1987

SB 5522

C 218 L 87

By Senators Halsan, McCaslin and Garrett; by request of Department of General Administration

Revising provisions relating to public works contracts.

Senate Committee on Governmental Operations
House Committee on State Government

Background: For construction, repair, or alteration projects estimated to cost less than $25,000, the Departments of General Administration, Fisheries, and Game as well as the State Parks and Recreation Commission may, in lieu of advertisement and competitive bid, solicit quotations from a small works roster. This small works roster limit has been in effect since 1982.

Summary: The maximum dollar amount of a project eligible for the state's small works roster is raised from $25,000 to $50,000.

Votes on Final Passage:

Senate	46	0
House	92	3

Effective: July 26, 1987

SB 5523

C 47 L 87

By Senators Halsan, Zimmerman, Garrett and Rasmussen; by request of Department of General Administration

Revising provisions on the administration of the use of credit cards for state institutions.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The Director of the Department of General Administration is to develop a system for the use of credit cards for purchases by state agencies. The Director is required to adopt rules governing the use of these credit cards.

The Director is limited to financial institutions in the state for this service. It has been suggested that

cost savings and improved management and administration could be realized by not restricting the Director to in-state financial institutions for credit card administration.

Summary: The Director of General Administration is no longer required to contract with financial institutions within the state to administer credit cards used by state agencies. The Director is permitted to contract with any type of entity regardless of location for administration of the state credit card program.

Votes on Final Passage:

Senate 44 1
House 97 0

Effective: July 26, 1987

SB 5529

C 328 L 87

By Senator Fleming

Providing for certification of minority and women-owned and controlled business enterprises.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The Office of Minority and Women's Business Enterprises (OMWBE) was created in 1983 to increase opportunities for participation of minority and women's business enterprises in state contracting and purchasing. In September 1986, the required initial program and fiscal review and report was completed by the Legislative Budget Committee (LBC) and the Office of Financial Management. The report noted several recommendations requiring statutory changes.

The LBC recommended that standards be adopted governing the size of businesses entitled to certification and the OMWBE not be required to provide economic impact information in its annual report. The LBC also suggested cancelling the preliminary report by the Joint Committee on Sunset due June 30, 1990, and scheduling the chapter for sunset termination in 1995.

In order to qualify for OMWBE programs, a business must be certified as a minority or women's owned business. It has been suggested that provisions be included in the enabling statute to prohibit fraud or misrepresentation in the certification process and establish penalties and sanctions in order to ensure that only businesses which are actually owned and operated by a minority or women become certified.

The certification of businesses for participation in OMWBE programs is performed by several entities separate from OMWBE. It has been suggested that if the certification process for minority and women's business enterprises were centralized, the burden on affected business would be substantially reduced and unnecessary duplication of efforts would be eliminated.

Summary: The OMWBE must define a small business concern consistent with the federal small business requirements. No business is entitled to certification for OMWBE programs if it exceeds the size standards for a small business concern established by the office. The OMWBE is not required to provide information regarding the economic impact of its programs on the public and private sector. The June 30, 1990 sunset requirement is repealed and the chapter is set for sunset termination on June 30, 1995.

The OMWBE is required to consult with the minority and women's business enterprises advisory committee in carrying out any of the specified functions it is authorized to perform.

A business must be owned and controlled by a minority or woman to be certified for OMWBE programs. It is a violation of this chapter to fraudulently obtain certification or moneys or to knowingly make a false statement regarding certification. All applications for certification must be sworn under oath. The penalty for violation of the law or a contract provision is up to 10 percent of the contract amount or up to $5,000 for each violation. The OMWBE may adopt rules implementing the imposition of penalties.

The Attorney General is authorized to conduct investigations prior to instituting a civil action and is given powers to compel the production of documents, oral testimony and answers to interrogations. The Attorney General is authorized to bring a civil action to restrain any prohibited act. Costs and attorney's fees may be recovered. An agency or educational institution is not limited to procedures or sanctions under this chapter but may pursue any other action provided by statute or contract.

The office is required to investigate complaints of violations and to cooperate with state and other governments and their minority and women's business enterprise programs in carrying out the purposes of the chapter.

The OMWBE is established as the sole authority for certifying minority, disadvantaged and women's business enterprises for OMWBE programs. Certification applies for participation in programs with the state or any other political subdivision within the state. Statewide certification is effective January 1, 1988. Any business certified by specified governmental bodies prior to January 1, 1988 is deemed certified by OMWBE as of that date.

The Council of Minority and Women's Business Enterprises is created to assist and advise the OMWBE in the certification process. Membership of the Council is specified. The section establishing the Council is to expire on June 30, 1991.

If there is a belief that a business should not have been certified, a process is established to petition the office for reconsideration of any certification issued prior to January 1, 1988. Parties who may initiate a petition are specified. A certification remains in effect during the petition process.

Votes on Final Passage:

Senate	42	7	
House	95	0	(House amended)
Senate	43	2	(Senate concurred)

Effective: May 12, 1987

SSB 5530

C 348 L 87

By Committee on Commerce & Labor (originally sponsored by Senator Fleming)

Expanding the duties of the office of small business.

Senate Committee on Commerce & Labor and Committee on Ways & Means

House Committee on Trade & Economic Development

Background: The Small Business Improvement Council was established in 1984 to review small business assistance programs in the state; determine their degree of coordination; provide recommendations to reduce duplication; and increase program efficiency. The Council provided a report to the Legislature and Governor in 1985.

Currently, the Office of Small Business within the Department of Trade and Economic Development is authorized to: serve as an advocate for the development of small businesses; act as an ombudsman for small business within state government; and advise the Governor and Legislature on small business issues.

During the 1986 interim, the Legislative Committee on Economic Development conducted a program profile and evaluation study of the state's major economic development programs. The report recommended that state business assistance programs place greater emphasis on cooperation and coordination of activities; develop a one-stop shop approach to assist businesses; increase public awareness of existing services available; and establish a council or committee to provide ongoing analysis and strategic planning on small and medium-sized business issues.

Summary: The Office of Small Business within the Department of Trade and Economic Development is renamed the Business Assistance Center. The Center is directed to: serve as the state's lead agency and advocate for the development and conservation of businesses; coordinate the delivery of state programs to assist businesses in cooperation with local development organizations; provide comprehensive referral services to businesses requiring government assistance; serve as the business ombudsman within state government; advise the Governor and Legislature of the need for new legislation to improve the effectiveness of state programs; aggressively promote business awareness of the state's business assistance programs; and work with federal, state and local agencies to ensure that business services and distressed area programs are conducted in a coordinated and cost effective manner.

The Business Assistance Center Coordinating Task Force is established. The members are appointed by the Governor from appropriate state agencies providing business assistance services. The Task Force is directed to assist the Department of Trade and Economic Development in formulating the Center's work plan, goals and objectives, and to ensure ongoing interagency coordination.

The Center is required to report to the Legislature and Governor outlining: the Center's activities, effectiveness and accomplishments; the degree of coordination between the Center and other state business programs; and recommendations on expanding or improving the Center's services.

The Small Business Improvement Council is renamed the Governor's Small Business Improvement Council. The Governor appoints nonvoting ex officio members to the Council from the various state agencies with business assistance responsibilities. Four legislative members are placed on the Council. The Council is authorized to identify administrative and legislative proposals that will improve the entrepreneurial environment for small businesses, and advise state business programs including the Business Assistance Center on their policies and practices. The Council, in consultation with the Business Assistance Center and appropriate standing committees of the House and Senate, is required to submit its proposals and recommendations to the Governor and Legislature prior to the convening of each regular session.

The Business Assistance Center and the Governor's Small Business Improvement Council are scheduled for sunset review and scheduled to terminate on June 30, 1992.

Votes on Final Passage:

Senate	45	0	
House	98	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 26, 1987

SSB 5533

C 408 L 87

By Committee on Natural Resources (originally sponsored by Senators DeJarnatt, Bluechel, Owen, Zimmerman, Bottiger, Kiskaddon, Conner, Nelson, Tanner, Moore, Rinehart, Williams and Garrett)

Directing the preparation of an ocean resources assessment for Washington.

Senate Committee on Natural Resources and Committee on Ways & Means
House Committee on Natural Resources

Background: The outer continental shelf is the submerged land that lies beyond the state's three mile jurisdiction along the Washington coast. It extends seaward approximately 40 miles. The area provides a productive commercial and sports fishery as well as marine mammal and marine bird populations. The United States Department of the Interior estimates that approximately 180 million barrels of oil and 3.2 trillion cubic feet of gas with potential for economic development exist unexplored along the continental shelf adjacent to Oregon and Washington.

Industry interest has increased in the northwest's offshore petroleum and gas reserves. The recent Department of the Interior mineral management surveys place the Oregon and Washington region among the Department's top 15 planning areas. Washington is included in the Department's proposed leasing schedule, and if the schedule were to be maintained, a lease sale could take place as early as 1991.

The state is given the opportunity to respond to the economic benefits, environmental considerations and social impacts of such leasing. Data is needed by the state to provide an adequate response to the Department of Interior's Minerals Management Service which issues the permits for offshore oil and gas exploration and development.

Summary: The Legislature recognizes that the marine waters off Washington's coast contain human, environmental and natural resource values which are important to Washington's citizens.

The Director of the Washington State's Sea Grant program shall administer an ocean resource assessment for the State of Washington and will conduct a comprehensive analysis of existing data and studies. The Director of the Sea Grant program shall select investigators to perform the assessment through submission of proposals and a peer review selection process that will be open to any qualified individual.

An advisory group to assist the director of the Washington State Sea Grant Program is created. The group includes the Legislature, state agencies, Indian tribes, and the public.

The tasks to be undertaken will be determined by the Sea Grant program in consultation with the tribal nations and the State Departments of Ecology, Agriculture, Parks and Recreation, Trade and Economic Development, Natural Resources, Fishery, Game and Community Development. The Director of the Sea Grant program shall submit the assessment to the 1989 Legislature on the results of information gathered by the investigation. The study will include analysis of potential environmental impacts and will include socio–economic studies, water column and biological studies, and environmental quality studies.

Votes on Final Passage:

Senate	48	0	
House	96	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: July 26, 1987

SB 5536

C 57 L 87

By Senators Garrett, Bluechel and Kreidler

Revising provisions relating to the scenic river system.

Senate Committee on Parks & Ecology
House Committee on Natural Resources

Background: The scenic river system program was established by the Legislature in 1977. A committee of participating agencies was developed including designees from the Departments of Ecology, Fisheries, Game, Natural Resources, Transportation and state Parks and Recreation Commission. Its purpose is to adopt management policies for publicly owned lands or leased land on rivers designated by the Legislature as a part of the state's scenic river system. Policies are to be developed for protecting ecological, economic, recreational, aesthetic, botanical, scenic, geological, hydrological, fish and wildlife, cultural, archeological and scientific features of designated rivers.

So far, the Legislature has designated portions of the Skykomish River and two of its tributaries, the Beckler and the Tye Rivers.

Summary: Two members of the public are to be appointed by the Governor to serve on the scenic river system committee of participating agencies. The provision allowing only monies from the general fund to be used to fund the scenic river system program is deleted.

Public members of the scenic river system committee of participating agencies are not to be reimbursed at a level higher than that allowed for class one part-time board or commission members. Subsistence, lodging and mileage allowances will be based on standard rates established by the Director of Financial Management for state employees.

Votes on Final Passage:

Senate	37	0	
House	97	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: July 26, 1987

SB 5541

C 74 L 87

By Senators Halsan, Zimmerman and Moore

Removing cost restrictions for the annual audit of the liquor control board.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The State Constitution provides that all state agencies are subject to audit by the State Auditor. The appropriation process controls the costs of those audits. When the audit services revolving fund was implemented in 1981, it incorporated a formula of consistent rates to recover the costs of auditing state agencies and units of local government.

For many years, the maximum dollar amount for auditing the Liquor Control Board (LCB) has been specified in statute; the current limit is $30,000. The Liquor Board is the only agency with such a restriction in its statutes.

The State Auditor has requested that the maximum be deleted, to make treatment of the LCB consistent with other agencies and because the $30,000 amount is no longer sufficient to provide an adequate audit for an agency the size of the Board. In addition the reference to the liquor revolving fund is not needed, since it is covered by another statute.

Summary: The maximum amount of $30,000 to cover the annual audit of the Liquor Control Board and the reference to the liquor revolving fund are removed from statute.

Votes on Final Passage:

Senate	47	0
House	96	0

Effective: July 26, 1987

SB 5546

C 324 L 87

By Senators Talmadge, Newhouse, Bauer, Nelson, Hayner and Moore

Revising provisions relating to assault.

Senate Committee on Judiciary
House Committee on Judiciary

Background: It has been reported that prosecutors are unable to prosecute torture of a child as a felony offense because the definition of substantial bodily harm does not involve substantial pain. It is also difficult to prosecute cases in circumstances where a quick child is intentionally and unlawfully assaulted by the intentional infliction of an injury to the mother.

Summary: The definition of "substantial bodily harm" is modified to mean bodily injury which involves substantial disfigurement, loss or impairment of the function of any body part or organ, a fracture of any body part, or substantial pain whether such substantial bodily harm is temporary or permanent. Substantial pain is defined as serious physical pain lasting long enough to cause considerable suffering. The pain must be the result of an injury capable of causing serious physical pain. The crime of second degree assault is modified to include circumstances where an intentional, unlawful injury is inflicted upon a mother and which intentionally and unlawfully causes substantial bodily harm to an unborn, quick child.

Votes on Final Passage:

Senate	47	0	
House	95	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	97	0	
Senate	38	0	

Effective: May 12, 1987 (Section 3)
July 1, 1988

SB 5549

C 286 L 87

By Senators Stratton, Pullen, Rasmussen and Deccio; by request of Department of Corrections

Providing for the setting of execution dates.

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

Background: Currently, a defendant sentenced to death must be returned to the trial court from the correctional facility each time an execution date is set. The judicial process allows defendants various appeals, therefore execution dates may change depending on the results of appeals.

The Department of Corrections is concerned that the trips to the trial court pose a security risk to the public. Each trip costs an average of $1,750.

Summary: The defendant is present at the first trial court hearing to set the execution date. If execution dates are reset, defendant will not be transported back to the trial court.

This does not affect the individual's right to counsel at the trial court hearing on reissuance of the death warrant.

Votes on Final Passage:

Senate	49	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House	94	3	(House receded)

Effective: July 26, 1987

SB 5550

C 402 L 87

By Senators Talmadge, Nelson, Halsan, Deccio, Hayner and West; by request of Department of Corrections

Revising provisions relating to sexual offenders.

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

Background: During the 1986 session, the Legislature passed a measure requiring the Department of Corrections (DOC) to develop a treatment program for sex offenders in a correctional setting. The measure provided that the program commence operations during the 1987–89 biennium and coexist with the current sex offender programs at Western and Eastern State Hospitals while those programs are phased out. The hospital programs close by 1993, and at that time the DOC program becomes the sole, state–sponsored, sex offender program for convicted felons in Washington State.

The current language states that felony sex offenders convicted and sentenced on or after July 1, 1987, shall be committed to the Department of Corrections. This raises possible ex post facto and equal protection problems with regard to those individuals who have committed crimes prior to July 1, 1987, but are convicted and sentenced after that date.

In one section of the 1986 bill, the Governor vetoed a provision pertaining to post–release supervision but neglected to veto the same language incorporated in another section of the same bill.

Summary: A person who commits a felony sexual offense and is sentenced on or after July 1, 1987, must be committed to the Department of Corrections for possible placement within a treatment program operated by the Department. The provisions that allow the court to convert the balance of confinement for felony sex offenders to community supervision do not apply in those instances when the sex offense is either first degree or second degree rape.

Courts are allowed to send convicted sex offenders who commit their offense before July 1, 1987 to Eastern and Western State Hospitals for evaluation and assessment of amenability to treatment.

Language which the Governor neglected to veto from a section of the 1986 bill is deleted.

Votes on Final Passage:

Senate	48	0	
House	98	0	(House amended)
Senate			(Senate refused to concur)
House			(House receded in part)
Conference Committee			
House	96	0	
Senate	40	0	

Effective: July 1, 1987

2SSB 5555

PARTIAL VETO

C 504 L 87

By Committee on Ways & Means (originally sponsored by Senators Halsan and Zimmerman; by request of Office of Financial Management)

Establishing the department of information technology.

2SSB 5555

Senate Committee on Governmental Operations and Committee on Ways & Means
House Committee on State Government
House Committee on Ways & Means/Appropriations

Background: Major responsibility for state data processing and telecommunications systems is assigned to a variety of agencies: the Data Processing Authority (DPA); the Department of General Administration, which hosts the Washington Data Processing Service Center (Service Center 1) serving 120 agencies, and the Telecommunications Division for voice communication; and the Department of Licensing (DOL), which hosts Service Center 3 for data processing service to the DOL, to the Department of Social and Health Services and 30 other agencies. In addition, Service Center 2, which is located at Washington State University, provides services for itself and for the Western Library Network, while Service Center 5 supports information systems at the Department of Transportation. Separate systems exist for the legislative branch (Legislative Service Center) and for the judicial branch (Judicial Information System).

During the 1986 interim, a Study Group was convened under the auspices of the Senate Committee on Governmental Operations. The bipartisan group included legislators from both houses, the Deputy Director of the Office of Financial Management (OFM) and the Director of the Data Processing Authority, three private-sector members of the DPA board, and a representative designated by the vendor community.

Among many issues examined were: the need to improve the state's ability to manage telecommunications costs and integrate telecommunications with computing; enhance information sharing; strengthen the acquisition process for equipment, software and services; rationalize the management structure; improve quality control and delivery of service to client agencies, and improve both legislative and executive oversight of state information systems.

Summary: Purpose and Legislative Intent. The declared purpose is to provide coordinated planning and management of state information services. The Legislature recognizes that information systems, telecommunications equipment, software and services must satisfy the needs of end users and that many appropriate alternatives are available to meet those needs.

Legislative intent is declared that: (1) information be shared and administered in a coordinated manner, except when prevented by agency responsibilities for security, privacy or confidentiality; (2) the primary responsibility for managing information and information systems rests with each agency; (3) resources be used in the most efficient manner and services shared when cost-effective; (4) a structure be created to plan and manage telecommunications and computing networks; and (5) an acquisition process be established for equipment, proprietary software, and related services that meets the needs of users, and promotes fair and open competition.

Definition. Specific definitions are included to distinguish the technical terms and functions. "Telecommunications" is defined as the transmission of information by wire, radio, optical cable, electromagnetic or other means. "Backbone network" is defined as the shared high density portions of the state's telecommunications transmission facilities, including high speed communications carrier lines, multiplexors and other necessary equipment and software components.

Management Structure. The state's data processing and telecommunications functions are incorporated into a single management structure with four major components, as follows:

Information Services Board. The Washington State Information Services Board, composed of nine members, replaces the Data Processing Authority. Seven members are appointed by the Governor and serve at the Governor's pleasure, including three representatives of cabinet agencies, one from higher education, one from a noncabinet executive agency and two from the private sector. A member of the Legislature is appointed by the President of the Senate and the Speaker of the House, and a representative of the judicial branch is appointed by the Chief Justice. All have full voting rights. The Director of the Department of Information Services serves as a nonvoting member of the Board.

Department of Information Services. The Department of Information Services is created. The Director of the Department is appointed by the Governor, serves at the Governor's pleasure, and is subject to confirmation by the Senate. The Director's salary is set by the Governor.

The Director appoints a confidential secretary and up to four deputy or assistant directors exempt from civil service. Two major divisions within the Department are the planning component (which may include up to 12 exempt positions) and a separate services component.

All documents, property, employees and appropriations of the Data Processing Authority, the Department of General Administration's Data Processing Service Center (Service Center 1) and its Telecommunications Division, and the Department of Licensing's

Data Processing Service Center (Service Center 3) are transferred to the Department of Information Services.

Customer Oversight and Other Advisory Committees. The Director must appoint advisory committees to assist the Department. Included among these committees are customer oversight committees to advise the Department concerning the type, quality and cost of the Department's services. The number and membership of the committees are determined by the Director.

Assignment of Powers and Duties. The powers and duties of each of the major components of the organization are assigned as follows:

Information Services Board. The Board is given a number of specific responsibilities: (1) to develop standards governing acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data; (2) to acquire, dispose of and maintain equipment, software and services or to delegate that authority under appropriate standards; (3) to develop all statewide or interagency technical policies, standards and procedures; (4) to develop a process for the resolution of appeals by vendors and customer agencies; (5) to establish policies for the periodic review of agency performance; (6) to review and approve the portion of the Departments' budget request which supports the activities of the Board; and (7) to abolish the use of service center designation, but allow Washington State University and the Department of Transportation to continue providing information technology services to other agencies and local governments.

Department of Information Services. The Department must: (1) review agency acquisition plans and requests and implementation of statewide and interagency policies, standards and guidelines; (2) make available information services on a full cost–recovery basis; (3) establish self–supporting rates and fees, and a biennial billing rate plan subject to OFM approval, but the services component may not subsidize the operations of the planning component; (4) with the advice of the Board, develop and publish statewide goals and objectives at least biennially; (5) develop plans for achieving goals and objectives, with the advice of the customer oversight committees and the Board; (6) develop training plans and programs, in collaboration with the Department of Personnel and the Higher Education Personnel Board; and (7) assess agencies' performance as requested by the Board, the Director of Financial Management, the Legislature, or agencies themselves (in the latter case, agencies may be required to reimburse the Department for such reviews).

Customer Oversight Committees. The responsibilities of the customer oversight committees are to advise the Department concerning the type, quality and cost of the Department's services. The committees may also call upon the Board to resolve disputes between agencies and the Department, and must review rates at least annually.

Miscellaneous Provisions. Several changes are made in existing law to conform with the new structure and functions. The requirements for the data processing revolving fund are retained and expanded to support the activities of the data processing and telecommunications systems. The revolving fund is subject to the allotment procedures of the Budgeting and Accounting Act. Disbursements for the services component of the Department are not subject to appropriation, but disbursements for the planning component must be appropriated. The Department must establish and implement a billing structure to assure that all agencies pay an equitable share of the costs.

All moneys in the central stores revolving fund relating to telecommunications are transferred to the data processing revolving fund.

The Data Processing Authority is abolished and its policies, rules and regulations are transferred to the Board.

LEAP is charged with making a comprehensive study of budgets and expenditures for state information systems, and submitting reports to the legislative fiscal committees, with any recommendations for statutory changes, in 1988 and 1989. A sunset provision is added, with a termination date of 1994 and repealers effective in 1995.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 1, 1987

Partial Veto Summary: The requirement for a comprehensive study by LEAP of state information system budgets and expenditures during the transition to the new program is vetoed. (See VETO MESSAGE)

SB 5556

PARTIAL VETO

C 523 L 87

By Senators Kreidler, Zimmerman and Kiskaddon; by request of Department of Ecology

Changing provisions relating to floodplain management.

Senate Committee on Parks & Ecology
House Committee on Environmental Affairs

Background: Chapter 86.16 RCW establishes a flood control management program for the state. Under this 1935 legislation, some 18 zones (each covering a river system) have been established within the state. Within these zones permits are required for constructing, reconstructing, or modifying any structures within the flood control zone. The Department of Ecology administers the permanent program and delegations of the program may be made to the governing body of any county, city, or town, provided that the statutory minimal criteria for developments within the floodplain are satisfied.

A parallel program is administered by local governments under authority of the national flood insurance program. In order to participate in the national program, local communities must adopt floodplain ordinances which meet the criteria established by the Federal Emergency Management Agency. The state and federal programs are comparable in most respects, and local communities which administer a delegated state program, as well as administer a local program as a participant in the national flood insurance program, frequently issue duplicate permits for the same development.

Summary: The regulatory mechanism of the state flood control zone permit program is delegated by statute to local governments, provided that minimum state requirements for floodplain management are satisfied. The Department of Ecology reviews and approves all local floodplain management ordinances, and has the authority to assume administration of the program within any local jurisdiction in which the state requirements are not satisfied. The Department of Ecology provides: technical assistance in the administration of local floodplain management ordinances; information regarding the national flood insurance program; and additional minimum state requirements. A local ordinance may be disapproved by the Department if the ordinance fails to include: a prohibition upon construction of residential structures within designated floodways, restrictions upon reconstruction within floodways, the elevation of structures within the floodplain, or compliance with other state or federal floodplain requirements. Civil penalties may be imposed for the violation of the statute, and review of any penalties imposed would be before the Pollution Control Hearings Board.

The program is applicable statewide, rather than within zones designated by the Department of Ecology, as provided in existing law. Towns within King County may apply to the Department for an exemption from the state floodplain program for certain structures and property.

Votes on Final Passage:

Senate	44	2	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 26, 1987

Partial Veto Summary: Section 10 of the bill, relating to appeals of certain Department of Ecology orders, including floodplain management orders, is vetoed for the reason that the section of Revised Code of Washington amended by this section of the bill was repealed by a measure of the 1987 Legislature already enacted into law. Section 14 of the bill, providing for certain exemptions from the state floodplain management requirements, is also vetoed. The partial veto message stated that these exemptions "would represent a needless risk of public funds." (See VETO MESSAGE)

SSB 5561

C 336 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Barr, Smitherman, Lee, Wojahn and Newhouse)

Eliminating double bonding requirements for auctioneers.

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

Background: An auction company is a sole proprietorship, partnership, corporation or other legal or commercial entity that sells or offers to sell goods or real estate at auction or arranges, sponsors or manages auctions.

Sole proprietorships owned by licensed auctioneers whose gross annual sales do not exceed $25,000 are not auction companies.

Summary: If an auction company is a sole proprietorship or a partnership and has a surety bond required for an auction company, an auctioneer bond is not required for the sole proprietor or any partner who is working as an auctioneer for the sole proprietor or partnership.

An auction company is not charged a license fee if it is a sole proprietorship or a partnership owned by a licensed auctioneer or licensed auctioneers.

Votes on Final Passage:

Senate	48	0	
House	98	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 26, 1987

SB 5564

C 275 L 87

By Senator Zimmerman

Establishing procedure for deactivation or abolition of local housing authorities.

Senate Committee on Governmental Operations
House Committee on Housing

Background: The Legislature created a "Housing Authority" in every city, town and county. Before the Authority can transact any business or exercise its powers, the legislative authority of the city, town, or county must pass a resolution declaring the need for an Authority to function.

Some housing authorities, formerly activated, are no longer functioning or necessary (e.g., North Bonneville). No statutory authority and procedure exists for the deactivation or abolishment of a Housing Authority.

Summary: A Housing Authority may be deactivated or abolished, after consideration of certain findings, by resolution or ordinance of the legislative authority of the city, town, or county. The legislative authority is permitted to exercise power to complete the affairs of the Housing Authority. The distribution of assets of an abolished or deactivated housing authority is specified.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 26, 1987

SSB 5565

C 42 L 87

By Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Lee and Bauer)

Requiring gasoline delivery trucks to have meters and supply receipts.

Senate Committee on Parks & Ecology
House Committee on Environmental Affairs

Background: The Uniform Fire Code requires that service station owners keep accurate daily inventory records of their petroleum products. Currently, they have no readily available mechanisms to determine the exact volume of gas entering the station's storage tanks. The volume of gasoline changes readily in response to changes in temperature and pressure. When 10,000 gallons of gasoline are loaded on a delivery truck, the actual volume delivered to the service station may be greater or less than 10,000 gallons.

Because the service station owner cannot accurately inventory the gasoline, the owner cannot be sure storage tanks are not leaking.

Summary: Invoices will be presented to the service station owner by the person delivering the gasoline containing the following information: The gross and the net volume of gasoline at 60 degrees F; the temperature of the gas and the time it is loaded onto the delivery truck; and the time the gas is delivered to the service station.

Votes on Final Passage:

Senate	48	1
House	59	38

Effective: July 26, 1987

SSB 5570

PARTIAL VETO

C 528 L 87

By Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Bluechel, Bottiger and Stratton)

Providing for regulation of incinerator residues.

Senate Committee on Parks & Ecology
House Committee on Environmental Affairs

Background: Incineration has become a leading option for solid waste disposal for many cities and counties in the state. Several are seriously considering incinerators, and a few, including Spokane and Tacoma, are currently building facilities. Incinerators have been viewed as more desirable than landfills for disposing of garbage. Several landfills in the state are creating environmental problems such as groundwater contamination and methane gas migration.

Disposal of incinerator ash may be difficult given current state law. The Department of Ecology conducted a multi-state study this past summer to measure the toxicity of incinerator ash residues. The Department found that "bottom ash" (a relatively heavy ash residue that does not become airborne after

combustion) would probably be marginally designated as a dangerous waste under current state law. It also found that "fly ash" (a relatively light ash residue that does become airborne after combustion) exhibited properties that would likely designate it as either a dangerous or extremely hazardous waste. State law regulating hazardous wastes is currently more stringent than federal law.

Incineration may not be an economically feasible option if the ash residues must be transported to hazardous waste landfills. Many states and countries allow incinerator ash to be disposed in traditional solid waste landfills. Washington has not yet addressed the issue.

Summary: A new chapter is established to regulate incinerator ash residues from solid waste incinerators. Incinerator ash residues will be disposed of in municipal solid waste landfills, provided that the ash meets all appropriate federal requirements.

The Department is given broad authority to require solid waste landfills to meet additional standards for the management of ash residues, including, but not limited to, the design, construction, and operation of landfills. The Department of Ecology is given enforcement authority to: levy fines, issue compliance orders and injunctions, and to prosecute violators.

Owners and/or operators of municipal incinerators are to develop plans, prior to disposal, regarding the handling and management of ash residues. Management plans will be subject to the Department's review and approval and will be incorporated into a permit for incinerator ash residues. The Department of Ecology will have 90 days to approve, deny, or conditionally approve the permit.

Persons aggrieved by the Department's actions regarding incinerator ash may file suit with the Pollution Control Hearings Board.

A joint select committee for preferred solid waste management is established to develop recommendations for waste reduction and recycling.

Votes on Final Passage:

Senate	39	7	
House	82	14	(House amended)
Senate	32	15	(Senate concurred)

Effective: May 19, 1987

Partial Veto Summary: The provision allowing citizens to file suit against the Department to the Pollution Control Hearings Board is vetoed. (See VETO MESSAGE)

SB 5571

C 509 L 87

By Senators Hansen, Fleming and Barr

Creating the grain indemnity fund.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: The Department of Agriculture administers the provisions relating to the licensing and inspection of commodity warehouses and grain dealers. A warehouse or grain dealer is required to be bonded and insured before a license can be issued. The Department of Agriculture determines the amount of the bonds after holding a public hearing. Under no circumstances are the bonds to be less than $50,000 or more than $750,000.

The bonds have become more expensive and more difficult to obtain through the insurance industry. Currently, several licensed dealers are unable to find available bonds. The right to provide a certificate of deposit in lieu of a bond has not been a realistic option.

Summary: The commodity warehouses and grain dealers may give the Department of Agriculture other security, acceptable to the Department, in lieu of a bond for licensing requirements. Two or more applicants for a license may join together and provide a single bond. The Department establishes the amount of the single bond, which may not be less than: (1) 10 percent of the aggregate amount of the individual bonds that would otherwise be required, or (2) the highest individual bond amount otherwise required of any single applicant. A claim for damages against an individual licensee on this single bond is limited to the bond amount that the licensee would be required to have as an individual bond holder.

Upon a petition of 33-1/3 percent of both the warehouses and grain dealers, the Director implements the grain indemnity fund program. The provisions of the indemnity fund program will not take effect until the Department of Agriculture is petitioned to implement it. If implemented, the program is in lieu of the bonding and security requirements for the licensees.

A grain indemnity fund is established which, if the indemnity program is implemented, is funded by assessments on licensees. The assessments are paid to the Department and deposited in the grain indemnity fund with the State Treasurer as custodian. This is a non-appropriated fund with the Director having authority over disbursements on approved claims. The rate of assessment is established by rule and is not to

exceed 5 percent of the bond amount the licensee would otherwise have had to pay.

As part of the indemnity program, an indemnity fund advisory committee is established to advise the Director concerning assessments, administration and payment of claims. The Director must appoint the advisory board no later than seven days after the indemnity fund program takes effect.

Procedures are set forth for processing and payment of claims made against the fund. Payments of approved claims from the indemnity fund are to be prorated if they exceed a maximum limit of $750,000, and will come only from funds obtained from assessments or other authorized contributions to the program.

Votes on Final Passage:

Senate	47	0	
House	86	1	(House amended)
Senate	44	0	(Senate concurred)

Effective: May 19, 1987

SSB 5581

C 46 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Moore, Warnke, Barr, Williams, West, Sellar, Vognild, Benitz and Tanner)

Revising provisions relating to licensed beer retailers.

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

Background: Currently, an establishment having a class F wine retailers license, whose business is primarily the sale of wine is permitted to provide free of charge two ounces or less of wine for the purposes of sales promotion. The authority to provide beer samples is not extended to establishments with class E beer retailers licenses.

"Pasteurized beer" is defined by the Liquor Board as beer which has been subject to a process whereby all yeast or micro–organisms are destroyed or removed preventing any further fermentation of the beer.

The Board, by administrative rule, limits the maximum container size of packaged beer to 170 fluid ounces.

Summary: Establishments having class E beer retailers licenses whose business is primarily the sale of beer or wine are permitted to provide single serving beer samples of two ounces or less free of charge for the purposes of sales promotion.

The definition of "pasteurized beer" is expanded to include bottled conditioned beer which has been fermented partially or completely in its sales container and which may contain residual active yeast. The maximum container size for bottled conditioned beer is 170 fluid ounces.

The cost of beer sampling conducted by retail establishments may not be borne by a manufacturer, importer, or wholesaler.

Votes on Final Passage:

Senate	46	3
House	87	1

Effective: July 26, 1987

SSB 5584

C 221 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Tanner, Lee and Anderson; by request of Department of Labor and Industries)

Changing penalties for misrepresentations in reports or claims to the department of labor and industries.

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

Background: The pursuit of fraud cases by local prosecutors is occasionally inhibited by unfamiliarity with the civil fraud provisions of the RCW. By making false filings with the Department of Labor and Industries a crime, local prosecutors will more vigorously pursue such cases.

Summary: Employers misrepresenting payroll amounts and employees filing false claims are guilty of a felony or gross misdemeanor under the state criminal code.

Misrepresentations made must be made knowingly before an employer is subject to the state criminal code.

Votes on Final Passage:

Senate	43	0
House	96	0

Effective: July 26, 1987

SSB 5594

C 93 L 87

By Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Bauer, Deccio and Newhouse)

Authorizing amendment to water rights claims under certain conditions.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: In 1969 the Legislature established the requirement that all persons claiming a right to water file a water rights claim with the state by June 30, 1974. Anyone who failed to do so is deemed to have waived and relinquished any right in that water.

In 1979 the Legislature reopened the registration period. Water rights claimants were permitted to file petitions through December 31, 1979 for certification from the Pollution Control Hearings Board, which, if granted, would allow the person to file a water rights claim with the Department of Ecology.

In 1985 the Legislature again opened the time period for obtaining certification.

Summary: The Department shall accept amendments to water rights claims previously filed, if such amendments pertain to: (1) an error in estimation of quantity; (2) a change in circumstances not foreseeable at the time of the original petition which relate to transportation or diversion of water; or (3) errors by the agency.

Votes on Final Passage:

Senate	47	0	
House	92	1	(House amended)
Senate	40	0	(Senate concurred)

Effective: April 20, 1987

SB 5597

C 445 L 87

By Senators Vognild and Moore

Establishing minimum bond for cosmetology schools.

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

Background: Currently cosmetology schools are required to maintain a surety bond on file with the Department of Licensing. The Director of Licensing has the authority to set a maximum bonding level of up to $25,000. The bonding levels at present are set at $6,000 for schools with 19 or less students and $12,000 for schools with 20 or more students.

Summary: The bonding level for cosmetology schools required by the Department of Licensing is set at a minimum of $1,000 or 5 percent of the school's annual gross tuition whichever is greater. The maximum bonding level is maintained at $25,000 and is for the protection of unearned, prepaid student tuition. Schools are to verify gross tuition amounts on an annual basis. Applicants for new cosmetology school licenses must estimate annual gross tuition to establish an approximate bonding level.

Votes on Final Passage:

Senate	47	0
House	98	0

Effective: July 26, 1987

SSB 5598

C 105 L 87

By Committee on Human Services & Corrections (originally sponsored by Senators Vognild, Metcalf, Bailey, Conner, Moore, Bender, Wojahn, Rasmussen, Bauer and Kiskaddon)

Establishing a distribution formula for grants to counties under the community mental services act.

Senate Committee on Human Services & Corrections
House Committee on Human Services

Background: The Department of Social and Health services is designated as the state mental health authority. The statutes provide general guidance for distribution of mental health funds to counties and require the Department to propose a funding formula in the biennial budget documents. Concerns exist regarding the ability of counties to: (1) project the amount of funds they will receive; and (2) match the funding formula to the mandated service priorities counties must follow.

Summary: DSHS is required to create a new formula for redistribution of mental health funds to counties under the Community Mental Health Services Act. The formula is based on service priority populations and local demographic factors. The Department will report to the Legislature by January 1, 1988 regarding the proposed formula and the fiscal impact of the formula on counties and service priority populations, including children.

Votes on Final Passage:

Senate	45	1
House	97	0

Effective: July 1, 1987

SSB 5604

C 271 L 87

By Committee on Natural Resources (originally sponsored by Senators Vognild, Nelson, Bottiger, Rasmussen, Owen, Craswell, Bailey, Benitz, Hayner and Johnson; by request of Office of the Governor and Commissioner of Public Lands)

Authorizing the conveyance of land for a United States Navy base in Everett.

Senate Committee on Natural Resources
House Committee on Natural Resources

Background: The U.S. Navy proposes constructing berthing and support facilities at Everett's Norton Avenue Terminal site. The Navy's Homeport in Port Gardner will have space and support for up to 15 ships on the 117 acre site. In order to construct the Navy's facility, over 3 million cubic yards of material will be dredged from the mouth of the Snohomish River, including nearly a million yards of material contaminated with cadmium, mercury, lead, copper, PCBs and poly-aromatic hydrocarbons. The dredge spoils disposal site is proposed in deep water (330 to 410 feet deep) approximately 2 miles from the dredging site. The Navy proposes to dredge the material with a clam-shell-type dredge, load the material onto a barge and then dump the material at the designated disposal site. The Navy then proposes to cap the contaminated dredge material by dumping "clean" material through a pipe so that it will settle on top of the contaminated material to a depth of one meter.

Currently, the state owns the tidelands and the bedlands associated with the Navy Homeport project. In addition to the issues surrounding actual transfer of these tidelands and bedlands to the Navy, ownership also triggers an issue of whether the Navy must comply with the state's Shoreline Management Act.

The Navy is required under the federal Clean Water Act to obtain from the state a water quality certification and to obtain a section 10/404 dredge and fill permit from the Army Corps of Engineers. An issue has been raised whether the Navy is required to obtain from the state a shoreline substantial development permit under the Shoreline Management Act. The state argues that unless the Navy owns both the base construction and the dredge disposal sites, the Navy must obtain the substantial development permit. The state so argues because the federal Coastal Zone Management Act requires federal agencies undertaking an activity in the coastal zone to obtain a certification that the activity is consistent with the state's approved coastal zone management plan. Washington's approved coastal zone management plan consists of the entire Shoreline Management Act and implementing rules and plans. Congress, in its appropriation for this project, has also directed the Navy to obtain "all federal, state, and local permits required for the dredging activities" in the Everett project.

Summary: The intent of this legislation is to acknowledge the economic development associated with the Navy's homeport project in Everett while at the same time stating that the state should not assume liability or risks resulting from the Navy's proposal to cap the contaminated dredge spoils resulting from the project. The Legislature also acknowledges the importance of improving water quality in Puget Sound. The need for the emergency clause is included.

At the request of the Navy, and after compliance with the intent of this act, the Commissioner of Public lands is authorized to lease the use of the beds of navigable waters in Port Gardner Bay for the Navy dredge spoil site. Existing authority of the DNR to lease bedlands is modified to accommodate the lease to the Navy. The lease shall reserve to the state the use of the property and associated water not inconsistent with its use as a disposal site.

The term of the lease shall be 30 years. The lease shall contain conditions which (1) require the Navy to agree to hold the state harmless for any damage or liability relating to or resulting from the use of the dredge spoil site; (2) require the Navy to comply with all terms and conditions of federal permits (Section 401 Water Quality Certification and Section 404 Dredge and Fill Permit) and to require the Navy to comply with all statutes, regulations and permits relating to water quality and aquatic life including the Shoreline Management Act and Shoreline Master programs.

The enforceability of terms and conditions imposed on the Navy arise from several sources: (1) the lease; (2) the Section 401 Water Quality Permit; (3) the federal Comprehensive Environmental Response, Compensation and Liability Act; (4) the federal Resource Conservation and Recovery Act; and (5) any other applicable federal or state laws.

The Commissioner of Public Lands is authorized to exchange tidelands to the Navy necessary to locate the Navy base. The Governor shall execute the deeds. The Harbor Line Commission shall modify harbor lines to facilitate the exchanges. The exchanges shall follow DNR existing procedure. The land acquired shall be of equal value and be suitable for natural preserves, recreation or commercial purposes.

Emergency and severability clauses are added.

Votes on Final Passage:
Senate 40 8
House 79 19

Effective: May 7, 1987

SB 5605

C 244 L 87

By Senators Peterson, Conner, Patterson, Rasmussen and Garrett; by request of Department of Licensing

Revising procedures for proportional vehicle registration.

Senate Committee on Transportation
House Committee on Transportation

Background: Proportional registration (prorate) is an optional method of registration available only to fleets of commercial vehicles operating in interstate commerce. Prorate is designed to cut the cost of licensing. Instead of paying full license fees in each jurisdiction, the carrier pays only for miles traveled in each jurisdiction.

Laws relating to proportional registration of motor carriers can be found in four different chapters of the Revised Code of Washington (RCW). It would greatly simplify the state administration of proportional registration if all pertinent statutes were compiled in one chapter.

Some statutes relating to commercial carriers must be updated in order to be applicable to both the Uniform Registration, Prorate and Reciprocity Agreement (Western Compact) and the International Registration Plan (IRP).

Current law excludes corporations from the requirement that all vehicle owners must possess a valid driver's license before registering a motor vehicle.

Summary: All statutes relating to proportional registration of motor carriers are transferred to Chapter 46.87 RCW.

Exemption from licensing requirements prior to vehicle registration is extended to other businesses and proportionally registered vehicles. Control of drivers of proportional vehicles is addressed in Title 12.

Additional provisions increase gross weight and specify credits for fees already paid.

Commercial vehicles registered through monthly tonnage are prohibited from buying one month's licensing fees, then operating the remainder of the year under the authority of trip permits in lieu of registration.

If a vehicle with a registered gross weight in excess of twelve thousand pounds is lost, destroyed, or sold, the owner may transfer the credit for the unused portion of the licensing fee, in lieu of maintaining the credit.

The collection of a $2 fee for each replacement backing plate, cab card, validation tab, or other device issued for proportionally registered vehicles is authorized.

The Western Compact regulations are incorporated into the procedures for IRP and effective dates are established. This chapter becomes effective beginning with the 1988 registration year; however, if Washington is not then registering vehicles under the provisions of the IRP, the effective date and implementation date for the IRP shall be delayed until Washington begins registering vehicles under the provisions of the IRP.

Provisions and terms of the Western Compact and the IRP shall prevail.

Beginning with the first registration year under provisions of the IRP, owners of a fleet of apportionable vehicles operating in two or more IRP member jurisdictions may elect to register the vehicles proportionally under the provisions of the IRP in lieu of full or temporary registration.

Owners of a fleet operating and registered in at least one Western Compact member jurisdiction other than Washington may elect to register the vehicles proportionally under the Western Compact provisions in lieu of full or temporary registration.

When a Washington-based fleet operates in another jurisdiction not requiring apportionment or other licensing fees for reciprocity, those miles shall not be added to the total for Washington in-jurisdiction miles.

The Department of Licensing is to collect a transaction fee with a ceiling of $10, the exact amount to be established by rule to be deposited into the motor vehicle fund. The transaction fee will be adjusted when DOL determines the amount needed to cover the cost of the American Association of Motor Vehicle Administrators (AAMVA) assessment for the automated system, Vista.

Chapter 46.87 is designated the "Proportional Registration" chapter.

Penalties are established. The operation of a vehicle after notification from the DOL that registration privileges have been suspended is a gross misdemeanor.

The Department of Licensing distributes 36 percent of the total fees collected when an IRP jurisdiction refuses to compute and separate Washington's excise tax from the other fees.

The authority for issuance of reciprocity plates is repealed; the International Registration Plan does not allow any other identification on foreign vehicles.

Revenue: Estimated $300,000 to the motor vehicle fund.

Votes on Final Passage:

Senate	46	0	
House	98	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 26, 1987 (Sections 2–8)
January 1, 1988 (Sections 9, 10, 15–58)
January 1, 1990 (Section 1)

SSB 5606

PARTIAL VETO

C 502 L 87

By Committee on Ways & Means (originally sponsored by Senators McDermott, McDonald and Rasmussen; by request of Office of Financial Management)

Revising budget and accounting procedures.

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

Background: Senate Bill No. 4504, passed in 1984, directed the Office of Financial Management to maintain a comprehensive budgeting, accounting and reporting system in conformance with "generally accepted accounting principles" (GAAP). The Governor's budget document was to be in conformance with GAAP, commencing with the 1987–89 biennium.

"Generally accepted accounting principles" refers to a set of highly detailed standards for accounting and financial reporting established at the national level. Accountants recognize GAAP as the authoritative standard for the profession. The basic functions to which GAAP's standards will be applicable in Washington State are financial reporting, accounting and budgeting. While GAAP was mandated in 1984, not all state laws were amended at that time to be in conformance with GAAP.

Historically, the state operating budget was based on a "modified cash" accounting approach. Appropriations were made for a two–year period (e.g., July 1, 1985 through June 30, 1987). State agencies have a 25th month (e.g., July 1987) to pay bills or debts incurred in a prior fiscal year. For debts incurred in the biennium that were not billed or paid by the close of the 25th month, it was necessary to reappropriate the funds to pay the bills in the next biennium. (This occurred predominantly in Department of Social and Health Services.)

For several major revenue sources (e.g., sales tax and B&O tax), money collected from July 11, 1985 through July 10, 1987 was counted as if collected during the 1985–87 biennium. This is called the "ten–day chargeback". Prior to this biennium the collection period ran from August 11 through August 10 two years later. The July 11 through August 10 period was characterized as the "25th month". This practice was ended during the 1983–85 biennium. For other revenue sources, state agencies still have one month after the close of a biennium to close their books. For example, the revenues from the motor vehicle excise tax collected by counties in June and remitted to the Department of Licensing in July after the close of a biennium, are counted as if collected during the previous biennium.

GAAP recognizes "pure cash" and accruals. "Pure cash" are actual disbursements made or revenues in hand within a period certain (e.g., July 1 through June 30); accruals are debts that were incurred during the period certain for which payment has not yet been made, and also taxes due that can be reasonably predicted for collection within a time certain (GAAP allows different time periods for different taxes). Under GAAP there is no need to reappropriate agency funds for items that were incurred, but for which payment was not made during the biennium. The initial appropriation is sufficient. Under GAAP the "ten–day chargeback" is not recognized, only cash in hand by the end of the biennium, plus forecasted accruals, would be counted. Motor vehicle excise tax money collected by a county in June and remitted to the state in July would be treated as an accrual, not cash.

Most accounts in the state treasury are controlled either by appropriations (appropriated accounts) or by the Office of Financial Management (budgeted accounts). Expenditures from these accounts may not exceed what is appropriated or budgeted. Due to cash flow timing, expenditures from these accounts may exceed the cash available in the account. The State Treasurer covers these expenditures by means of intra–treasury loans. Another type of account in the state treasury is nonappropriated and nonbudgeted. Technically, there is no control on the maximum expenditure from these accounts. If expenditures are made from these accounts in excess of the cash available, the State Treasurer covers the deficit by an intra–treasury loan.

The budget document submitted by the Governor must contain specific detailed information as required by law.

Summary: Definitions, allotment reduction procedures, revenue collections and revenue forecasts are brought into compliance with GAAP. The GAAP statements to be used by the Office of Financial Management (OFM) are to be published by OFM in the Accounting Procedures Manual. The Governor's budget proposal is to be based on estimated cash receipts. Allotment reductions are to be based on estimated cash receipts compared to estimated disbursements to avoid cash deficits. Cash deficits are when disbursements exceed cash receipts plus beginning cash surpluses.

The ten-day chargeback for several of the Department of Revenue collected taxes is eliminated.

The Economic and Revenue Forecasting Council is to provide revenue estimates in accordance with GAAP (cash receipts plus accrued revenue).

The Director of the Office of Financial Management (OFM) is given authority to authorize temporary cash flow deficits in accounts within the treasury. The Director must report each authorized cash flow deficit to the Legislature.

The Governor is required to submit a budget document which includes expenditures by program which includes itemization of salaries, equipment, personal services, travel and other objects of expenditure.

The requirement that the Director of OFM needs to authorize temporary cash flow deficits takes effect immediately. The remainder of the bill takes effect August 1, 1987.

Votes on Final Passage:

Senate	46	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 26, 1987

Partial Veto Summary: The requirement that the Governor submit a budget document detailing objects of expenditure by agency program is removed. The emergency clause is removed so that the entire bill takes effect July 26, 1987. (See VETO MESSAGE)

SSB 5608

PARTIAL VETO

C 335 L 87

By Committee on Agriculture (originally sponsored by Senators Kreidler and Hansen)

Strengthening the prohibitions against cruelty to animals.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: In recent prosecutions for cruelty to animals, county prosecutors found that animals being abused could not be removed from the cruel situation. Fear also exists that criminal or civil actions may arise against persons who attempt to protect cruelly treated animals. This also has led to a hesitancy on the part of law enforcement officers to destroy animals which have been seriously injured in collisions with motor vehicles.

The prevention of cruelty to animals statutes prohibit a domestic animal from being transported in a manner that will jeopardize the safety of the animal or the public. The motor vehicle statutes prohibit an animal from being transported on the outside portion of a vehicle unless the animal is secured.

Summary: If a law enforcement officer has reason to believe that an animal has been cruelly treated, the officer may authorize a veterinarian to determine whether the neglect is sufficient to require removal of the animal. The authority to remove animals does not allow the illegal entry onto private property. The owner of any animal removed for neglect shall be given written notice of circumstances and legal remedies. A good faith effort shall be made to contact the animal's owner before removal unless the animal is in a life threatening condition or the officer reasonably believes the owner would remove the animal from the jurisdiction. The owner may petition for return of the animal if no criminal case is filed within 72 hours of removal. In such a petition the burden is on the owner to show that the animal will not suffer future neglect.

Persons treating such animals shall not be civilly or criminally liable for such action. The sentence (for misdemeanor) may be deferred or suspended. Sentences shall be consecutive for multiple convictions.

In addition to these penalties, the court shall order forfeiture of all animals held by law enforcement if any animal dies or if there are prior convictions. The court may order forfeiture if the cruel treatment is severe and likely to reoccur. If forfeiture is ordered, the owner shall be prohibited from owning similar animals for two years.

The owner, upon conviction, or agreement, shall pay actual costs incurred by law enforcement and/or any other person or entity involved in caring for the animals.

There is a civil penalty of $100 to be used by the county to prevent cruelty to animals, prosecute such cases and care for such animals.

Law enforcement personnel have the right to destroy animals that have been seriously injured and would otherwise continue to suffer.

Law enforcement officer is defined as fulltime county sheriff or deputy, city police, town marshal or deputy or State Patrol.

It shall not be cruelty to transport a dog in the bed of a pickup truck and the "Rules of the Road" (RCW 46.61) are amended so that having a dog in the back of a pickup is not prohibited.

It is clarified that the amendments relating to animal cruelty do not expand or diminish the current authority of humane societies.

Votes on Final Passage:

Senate	47	0	
House	98	0	(House amended)
Senate	43	0	(Senate concurred)

Effective: July 26, 1987

Partial Veto Summary: The ability to transport a dog in the bed of a pickup truck was vetoed. (See VETO MESSAGE)

SSB 5622

C 507 L 87

By Committee on Education (originally sponsored by Senators Gaspard, Smitherman, Bauer and Bender; by request of Superintendent of Public Instruction and State Board of Education)

Continuing the beginning teachers assistance program.

Senate Committee on Education and Committee on Ways & Means
House Committee on Education
House Committee on Ways & Means/Appropriations

Background: The Beginning Teacher Assistance Program was established as a pilot program in 1985. Eighty-nine beginning teacher/mentor teams participated in the program during the 1985–86 school year; 703 teams are participating this current 1986–87 school year. The report by the Superintendent of Public Instruction on the results of the program indicates it has been successful and includes a recommendation that it be continued. It is suggested that the program allow mentor teachers to work with experienced teachers.

Summary: The sunset date for the Beginning Teacher Assistance Program is repealed and the program is made ongoing. The name is changed to the Teacher Assistance Program, and the program is expanded to allow experienced teachers to participate and receive assistance from mentor teachers.

Beginning teachers, mentor teachers and experienced teachers may include anyone who possesses a certificate issued by the Superintendent of Public Instruction.

Mentor teachers may not be involved with evaluations of beginning or experienced teachers in the Teacher Assistance Program and are required to inform their principals periodically about the contents of training sessions and other program activities.

Stipends and workshops will be provided for beginning teachers as well as mentor teachers, and release time will be provided for mentor, beginning, and experienced teachers.

School districts shall select the mentor teachers. If a local bargaining unit exists in the district, teachers representing the bargaining unit must participate in the selection process.

The Superintendent of Public Instruction is required to consult periodically with educational organization and association representatives, including educational service districts and public and private colleges and universities, for the purpose of improving communication, cooperation and program review.

The Superintendent must report to the Legislature on the results of the program by December 31, 1987.

Votes on Final Passage:

Senate	49	0	
House	93	0	(House amended)
Senate			(Senate refused to concur)
House	85	0	(House receded)

Effective: June 15, 1987

SSB 5632

C 478 L 87

By Committee on Ways & Means (originally sponsored by Senators Bauer, Gaspard and von Reichbauer; by request of Superintendent of Public Instruction)

Establishing the learning assistance program.

Senate Committee on Education and Committee on Ways & Means
House Committee on Education
House Committee on Ways & Means/Appropriations

Background: In Seattle School District, et al v. State of Washington (1983), the Thurston County Superior Court, through Judge Doran, held that "the Legislature has concluded that special educational programs for students deficient in basic skills achievement are

necessary to meet the current needs of those students in satisfaction of Article IX, Sections 1 and 2 (Wash. Const.). The State must fully fund such programs." The court further noted "the Remediation Assistance Program by virtue of the needs it serves, was brought within the constitutionally mandated programs by the Legislature in 1979."

Current law provides for school districts which operate approved remedial assistance programs to receive state funding. School districts are not required to participate. Only students in grades two through six who are below grade level in reading, mathematics, or language arts are eligible to be served. The district identifies these students by a placement test of proficiency in these "basic skills." Class size is limited to five students with instruction provided by a trained person acting under the direct supervision and control of a certificated teacher. The number of students eligible in a school district is determined by multiplying the percentage of students who score in the lowest quartile of the test, as compared to national norms, by the number of students enrolled in the district in grades two through six. Funding was also provided for programs serving students in grades seven through nine in the 1985–87 operating budget.

Summary: A learning assistance program is established to provide supplemental, special learning assistance to students who are deficient in the achievement of basic skills. "Basic skills" means reading, mathematics, and language arts as well as readiness activities associated with such skills. These students' needs are to be met as early as possible and special assistance will continue as long as deficiencies remain.

Each school district will develop a program of learning assistance based upon a district plan for meeting needs of eligible students identified through a comprehensive assessment. The district's annual plan is developed in consultation with an advisory committee comprised of parents, including parents of students served by the program, teachers, principals, administrators, and school directors.

The school district program shall identify the process for determining the basic skills academic needs of students, the skills needs and grade levels to be addressed by the program, an evaluation component based on performance objectives, supplementary services designed to meet the needs of participating students, and record-keeping procedures for student progress.

Assistance within the regular classroom may be provided through specialized instruction for participating students, hiring consulting teachers or instructional staff support, or in-service training for classroom teachers. This does not limit other modes of support and instruction which may be provided for students who are below grade level in basic skills.

Each school district will submit a biennial learning assistance program application to the office of the Superintendent of Public Instruction (SPI) for approval. Each district with an approved program will be eligible for state funds made available for learning assistance. The number of students eligible to participate is determined by multiplying the percentage of students scoring in the lowest quartile, as compared to national norms, by the number of students enrolled in kindergarten through grade nine. SPI may use a five-year average in making this calculation.

SPI shall monitor the learning assistance programs at least once every three years. SPI has authority to promulgate rules necessary to implement the learning assistance program.

The remedial assistance program established by Chapter 149, Laws of 1979, codified as RCW 28A.41-.400 through 28A.41.414, is repealed.

Votes on Final Passage:

Senate	27	21	
House	93	0	(House amended)
Senate	25	24	(Senate concurred)

Effective: July 26, 1987

SB 5642

C 193 L 87

By Senators Gaspard and Saling; by request of Superintendent of Public Instruction

Authorizing the superintendent of public instruction to receive funds for food services.

Senate Committee on Education
House Committee on Education

Background: The Department of Agriculture sponsors several food programs for children including the school lunch program. One of these programs provides food to children in daycare situations and private schools. The Department of Agriculture has requested the Superintendent of Public Instruction's office to create a revolving fund to hold the federal funds appropriated to this program.

Summary: The Superintendent of Public Instruction is authorized to receive and disburse federal funds made available for the purpose of providing food services to children and adults. All costs involved in this program are to be paid with federal funds or private gifts and grants. A revolving fund is established with the State

Treasurer. Federal funds are to be deposited in the revolving fund and disbursements can only be made by the Superintendent of Public Instruction or the Superintendent's designee. The Superintendent is given rule-making authority as necessary. No appropriation is necessary.

Votes on Final Passage:

Senate	49	0
House	95	0

Effective: July 26, 1987

SSB 5650

C 264 L 87

By Committee on Transportation (originally sponsored by Senators Conner, Peterson, Garrett and Barr)

Revising qualifications of pilots.

Senate Committee on Transportation
House Committee on Transportation

Background: The Board of Pilotage Commissioners is charged with the responsibility for insuring that only qualified and well-trained individuals be licensed as Washington State pilots. State law provides that the Board may establish additional training requirements for individuals holding state licenses to maintain a competent pilotage service.

All pilots and applicants are subject to an annual physical examination to ensure health standards sufficient to enable them to perform their pilotage duties.

State law provides that the Board may prescribe for pilots, during the first two years of licensing, certain size and type of vessel trips on which those pilots may serve.

The Board is required to include in its annual report a listing of all accidents, incidents, mishaps, as well as pilotage related complaints that were filed with the Board. The Board has no specific statutory authority to appoint advisory committees or to employ marine experts as necessary to carry out its duties. Neither does the Board have the authority to preclude a pilot from serving on a certain company's vessels.

A joint subcommittee of the House and Transportation Committees reviewed the State Pilotage Act during 1986. Recommendations of that subcommittee related to revising the qualifications of pilots are set forth in the summary.

Summary: The Board is directed to develop, in conjunction with pilots associations, a continuing education program for pilots. The Board is authorized to prescribe vessel simulator training for a pilot applicant or a pilot during the period of limited license, to enhance the person's ability to perform pilotage duties.

The period for a limited license for a new state licensed pilot is extended from two to three years. The Board is granted specific authority to govern the size and type of vessels which a newly licensed pilot may be assigned to and whether the assignment involves docking or undocking a vessel. Familiarization trips are required before a newly licensed pilot may pilot a larger or different type of vessel.

The Board is directed to determine within 90 days of a pilot's required physical examination, whether the pilot or applicant is fully able to carry out the duties of a pilot.

The Board is required to hold a pilotage examination on a regular date, at least once every two years.

The requirement that incidents, complaints and mishaps be set forth in the Board's annual report is deleted. Where pilot error has contributed to an occurrence, it must still be reported. Copies of the Board's annual report are to be submitted to the Transportation Committee Chairs, rather than the Secretary of the Senate and the Chief Clerk of the House of Representatives.

The Board is specifically authorized to appoint advisory committees and to employ marine experts as necessary to fulfill its duties.

Obsolete language is deleted.

Votes on Final Passage:

Senate	48	0	
House	98	0	(House amended)
Senate	40	0	(Senate concurred)

Effective: July 26, 1987

2SSB 5659

PARTIAL VETO

C 524 L 87

By Committee on Ways & Means (originally sponsored by Senators Wojahn, Talmadge, Kreidler, Fleming, Kiskaddon and Nelson; by request of Office of the Governor)

Providing for services for the protection of children.

Senate Committee on Human Services & Corrections and Committee on Ways & Means
House Committee on Human Services
House Committee on Ways & Means/Appropriations

Background: Several legislative hearings regarding Child Protective Services were held in which agency

personnel expressed confusion about legislative intent as to service priorities. Additional testimony referred to various statutory problems, the efficacy of Child Protective Services and legislative recommendations in a DSHS internal review report.

The Governor appointed a task force to review current statutes and agency procedures related to child abuse cases. In response to recommendations from the child abuse task force, the Governor submitted legislation which modifies the juvenile dependency and the abuse of children chapters.

Summary: The intent language of the child abuse chapter is clarified regarding the paramount goal of CPS to protect a child's right to safety. The rights of basic nurture, mental and physical safety of a child must prevail when they conflict with the legal rights of the parents.

In juvenile dependency disposition proceedings, the Department must allow parents to review the proposed disposition plan at least ten days prior to the hearing and the plan must be presented in a form understandable to the parents. Parents may submit alternative plans and oral arguments if they disagree with the proposed plan.

The Department retains the responsibility to investigate all incidents that may constitute abuse or neglect. Physical and emotional evaluations may be authorized by the Department when a child is in shelter care. The Department shall use a risk assessment tool to assess the service needs of children in three local office service areas on a pilot basis, and shall offer enhanced community-based services, within appropriated funds, for families determined not to require state intervention.

When Child Protective Services interviews a child, parents must be notified at the earliest possible point in the investigation that will not jeopardize the safety of the child or the course of the investigation. The child may request the presence of a third party at the interview, or the Department shall make reasonable efforts to include a third party at the interview, unless the child objects.

The child abuse chapter is not to be construed as prohibiting the use of reasonable corporal punishment as a means of discipline, but the punishment must not be injurious to a child's health, welfare and safety.

The Department is required to maintain and periodically review investigation records and must maintain a log of cases screened out as nonabusive. CPS is granted access to relevant records of mandated reporters and their employees. The Department may report regarding adjudicated or admitted child abusers to school boards and licensing boards.

In judicial proceedings related to child abuse the court has discretion to order medical or psychological evaluations of the child, parent or anyone having custody.

When a licensed physician refers a case to Child Protective Services, based on an opinion that abuse has occurred, the Department must file a juvenile court dependency action or obtain a second contradictory medical opinion if the case involves serious abuse. The parents may choose the physician for the second medical opinion. A child who has been abused may be returned home if the physician and the Department agree that no imminent danger to the child's health and safety exists.

Votes on Final Passage:

Senate	49	0	
House	97	1	(House amended)
Senate	43	6	(Senate concurred)

Effective: July 26, 1987

Partial Veto Summary: A section is eliminated which would have renumbered the termination statutes to correlate with amendments that failed to pass the Legislature. The veto deletes a section which would have changed the agency's paramount goal from protecting the "best interests" of a child to protecting the "safety." (See VETO MESSAGE)

SB 5666

C 520 L 87

By Senators Gaspard, von Reichbauer and Warnke

Designating a portion of SR 161 as Enchanted Parkway.

Senate Committee on Transportation
House Committee on Transportation

Background: State highway route descriptions are prescribed in state statute. Generally, state routes are designated by numerical description; however, they may be designated or described by another term.

State Route 161 begins in south Pierce County, proceeds north through Puyallup and terminates in King County at a junction with SR 18 near Federal Way. In King County, it provides a primary access route to Enchanted Village, a family recreation park located just east of Interstate 5.

Currently, SR 161 in King County is commonly known as Kit Corner Road South. In King County, the name of each road is established by county ordinance.

Summary: That portion of State Route 161 within King County is designated Enchanted Parkway.

Votes on Final Passage:
Senate 27 0
House 90 5

Effective: July 26, 1987

SB 5668
C 106 L 87

By Senators Moore, Benitz, Newhouse, Stratton, Smitherman and Williams

Revising provisions on the issuance of securities by public service companies.

Senate Committee on Financial Institutions
House Committee on Energy & Utilities

Background: Presently, the Washington Utilities and Transportation Commission does not grant permission to a public service company to issue securities unless the Commission has approved the final terms of the issuance.

Summary: Any order issued by the Utilities and Transportation Commission that grants a public service company permission to issue securities may be based on reasonable estimates of the final terms, and such order may allow the public service company to complete the transaction if the final terms are within a range of conditions established by the Commission. The conditions may include a range of time in which the securities may be issued, a range in the maximum amount of the issuance, a range in the cost of the issuance, and a range in the interest rate to be paid.

A statutory provision is repealed that requires a public service company issuing new securities to pay a fee based on the principal amount or stated value of the securities to the Utilities and Transportation Commission.

Votes on Final Passage:
Senate 46 0
House 92 2

Effective: July 26, 1987

SB 5678
C 390 L 87

By Senators Fleming, Patterson, Gaspard, Bauer, Tanner, Zimmerman and Bailey

Authorizing nonresident fees to be waived for deaf students at community colleges.

Senate Committee on Education
House Committee on Higher Education
House Committee on Ways & Means

Background: The Regional Education Program for Deaf Students was established in 1969 to provide hearing impaired students equal access to college level educational programs. Based at Seattle Central Community College, the Program for Deaf Students is funded through a federal grant from the U.S. Department of Education and has served more than 1000 students from 35 states and six foreign countries.

Deaf students begin the program by completing a one–quarter, self–contained preparatory program which provides them an opportunity to improve their academic skills and begin career exploration. Then they are eligible to enroll in any of the more than 120 vocational/technical programs, academic/college transfer programs or specialized educational classes offered by the Seattle Community College District on its three campuses. To complement their enrollment in regular (or mainstream) classes, deaf students are provided with specialized support services, including interpreting, note–taking, tutoring, counseling, academic advising and audiological services.

Students pay tuition to cover their educational costs and federal funds are provided to cover support services.

The regional program annually serves about 120 students, some of whom have multiple handicaps. Between 40 and 55 students come from out of state and are required to pay an additional $2,055 in nonresident tuition and fees. Many of these students receive complete or partial subsidy from their home states or the federal government. Seattle program managers claim that the dramatic increase in nonresident tuition rates in Washington in recent years has made human service counselors in other states reluctant to subsidize their students' entry into the program, which has caused a reduction in the number of students enrolled. If that number continues to decline, the program may lose its annual federal subsidy of more than $598,000, a loss which would force the state to either absorb those costs or close the program.

Summary: Community college boards of trustees are permitted to waive the nonresident portion of tuition

and fees for up to 40 percent of the students enrolled in the Regional Education Program for Deaf Students as long as federal funding of the program continues.

Votes on Final Passage:

Senate	49	0	
House	95	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	96	0	
Senate	46	0	

Effective: July 26, 1987

SSB 5679

C 107 L 87

By Committee on Energy & Utilities (originally sponsored by Senators Williams, Owen, Benitz, Stratton and Sellar)

Providing procedures for confidentiality for information filed with the utilities and transportation commission.

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

Background: As the telecommunications industry becomes more competitive, there is an increasing concern about protection of trade secrets. On occasion, information which may be considered proprietary is part of a proceeding before the Utilities and Transportation Commission (UTC). This information can remain in the UTC records and may be subject to requests pursuant to the Public Disclosure Act.

Summary: Information which is commercially valuable shall not be subject to inspection or copying until the persons affected by the information have been given notice and an opportunity to procure a court order which would protect the information as confidential. The provision would apply to all utilities under the jurisdiction of the UTC.

Other information, customer specific usage, network configuration, and design information may be designated as commercially valuable, but it must be so designated at the time of filing with the Attorney General or the Commission.

The provisions do not affect the Commission's authority to designate certain types of information as proprietary in its own proceedings.

Votes on Final Passage:

Senate	47	0
House	96	2

Effective: April 20, 1987

SB 5685

C 6 L 87

By Senators Sellar, Hansen, Newhouse and Barr

Authorizing bonds for new facility for apple advertising commission.

Senate Committee on Agriculture and Committee on Ways & Means
House Committee on Ways & Means

Background: The Apple Advertising Commission was created in 1937 and is currently the largest commodity commission in the state with an annual budget of $7.2 million. The budget is completely funded by assessments on all fresh apple sales.

To further promote sales and otherwise fulfill the purposes of the Commission, a new building has been constructed for Commission offices, warehouse space, and a display room. The Commission needs a long term financing arrangement for acquiring the land and constructing and equipping the building. The total cost of building the facility and administering the program is estimated to be approximately $1.3 million. The Commission has $500,000 available for the project and seeks an additional $800,000.

Summary: The State Finance Committee is authorized to issue general obligation bonds up to $800,000 to provide partial financing of a new building for the Washington Apple Advertising Commission and to pay administrative expenses incidental to the bonding procedures. The bonds are to be issued and sold in accordance with the general bonding requirements set forth in statute.

Proceeds from the sale of bonds are deposited with the State Treasurer in the state building construction account, and are administered by the Apple Commission. Debt service on the bonds is paid out of the general fund and reimbursed by the Apple Commission. Whenever the principal and interest on a bond are due, the Commission pays the amount due from its general fund to the State Treasurer.

The bonds cannot be issued until: (1) the Commission certifies that the net proceeds of the bonds, together with the other available funds, will be sufficient for the requirements of the capital project; and (2) the estimated future income from assessments levied will maintain an adequate balance to enable the

Commission to pay the principal and interest as they become due.

Appropriation: $800,000

Votes on Final Passage:

Senate	45	0
House	87	10

Effective: March 26, 1987

SSB 5688

C 97 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Smitherman, Warnke and Lee)

Establishing a review procedure for commercial activities conducted by institutions of higher education.

Senate Committee on Commerce & Labor
House Committee on Higher Education

Background: During recent years, the Legislature has received testimony from representatives of businesses stating that institutions of higher education are competing unfairly with the private sector in providing certain goods and services.

Summary: Institutions of higher education in consultation with representatives of small business are required to develop: comprehensive policies that define the legitimate purposes under which institutions may provide goods, services or facilities; a mechanism for reviewing current and proposed commercial activities; and a process for responding to inquiries from private business.

The following criteria are considered in developing policies regarding commercial activities: the goods and services are related to the institution's educational mission; fees include direct and indirect costs; and goods and services represent a special convenience to the campus community. An institution's education and residential life programs are not subject to review. The institutions are to report to the Legislature by December 1, 1987, outlining policies regarding commercial activities.

Votes on Final Passage:

Senate	41	5	
House	97	0	(House amended)
Senate	44	3	(Senate concurred)

Effective: July 26, 1987

SB 5693

C 296 L 87

By Senators Vognild, Newhouse, Halsan, Conner, Wojahn, Bottiger and Johnson

Insuring employees adequate time to vote.

Senate Committee on Governmental Operations
House Committee on Constitution, Elections & Ethics

Background: Washington State has no statutory provision insuring that employees of the state or private enterprise have time set aside from the work schedule to vote. Thirty states have enacted laws to insure that working voters have time to vote. Nineteen states provide a paid holiday for state employees on certain election days.

Summary: Every employer is required to arrange working hours on any primary, general or special election day so that all employees have a reasonable time up to two hours available for voting during the hours the polls are open. If an employee's work schedule does not give the employee two free hours for voting, the employer is required to permit the employee to take a reasonable time up to two hours from his or her work schedule to vote. An employer must add this time to the time for which an employee is paid.

An employee is permitted time for voting only if the employee is unable to obtain an absentee ballot during the period of time between when the employee learns of the election day work schedule and the day of the election.

Votes on Final Passage:

Senate	39	10	
House	56	39	(House amended)
Senate	30	18	(Senate concurred)

Effective: July 26, 1987

SB 5712

C 96 L 87

By Senators Rinehart, Gaspard and Zimmerman

Specifying that the term "nonresident student" does not apply to persons with temporary resident status.

Senate Committee on Education
House Committee on Higher Education

Background: Washington's public colleges and universities are required to charge higher tuition rates to nonresident students than to state residents. Current law defines criteria both for determining state residency and for defining those who are nonresidents.

The statutory definition of nonresidents specifically excludes persons who have permanent resident status or those who hold "refugee parolee" or "conditional entrant" status with the Federal Immigration and Naturalization Service and who also meet and comply with applicable sections of law defining residency criteria.

In 1986 Congress adopted the Immigration and Control Act which permits undocumented aliens to apply for legalization and creates a new immigration status, that of "temporary resident," for newly legalized aliens. Washington law does not yet recognize this immigration status. Without a change in law, students who qualify as "temporary residents" will be required to pay the higher tuition rate of nonresidents.

Summary: "Temporary residents" and persons who are permanently residing in the United States under the case law designation known as "color of law" are excluded from the definition of nonresident for purposes of determining tuition and fee levels if they meet and comply with other applicable criteria for determining resident status.

Votes on Final Passage:

Senate	49	0	
House	83	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: July 26, 1987

SSB 5717

C 190 L 87

By Committee on Governmental Operations (originally sponsored by Senators Cantu and Rasmussen)

Requiring disclosure by nonprofit corporations of their financial activities.

Senate Committee on Governmental Operations
House Committee on Ways & Means

Background: A nonprofit corporation conducting affairs in Washington must register with the Secretary of State and file an annual report specifying: (1) the name of the corporation, and the state or country under the laws of which it is organized; (2) the addresses of the registered office of the corporation, the registered agent, and its principal office outside of Washington; (3) a statement of the character of the affairs the corporation is conducting; and (4) the names and addresses of the directors and officers of the corporation.

It has been suggested that some nonprofit corporations compete with private businesses, and have an unfair advantage because they may be exempt from taxation. Additional information is sought on the activities of these nonprofit corporations.

Nonprofit corporations and other organizations that qualify for exemption from federal taxation must report certain financial information to the Internal Revenue Service in an annual Form 990 filing. These tax returns are available for public inspection.

Summary: A study is to be conducted to correlate nonprofit corporations and charities on file with the Secretary of State's office with those Washington entities that file Internal Revenue Service form 990, for organizations exempt from income tax. The study will assist the Legislature in determining whether to amend annual reporting requirements.

The Secretary of State may contract with the Internal Revenue Service for necessary services. The Secretary will report results of the study to the Legislature by December 31, 1987.

Appropriation: $24,000 to the Secretary of State

Votes on Final Passage:

Senate	46	0
House	95	0

Effective: June 1, 1987

SB 5732

C 267 L 87

By Senators Tanner, Peterson, Smitherman, Bender, Bailey and Garrett

Encouraging right-of-way donations.

Senate Committee on Transportation
House Committee on Transportation

Background: The expansion of commercial, residential, industrial and other business activities is producing an increase in traffic levels. Procedures and policies that provide incentives to encourage donations of right-of-way by private property owners and local governments could alleviate existing and foreseeable traffic problems as well as support economic development.

Summary: Legislative intent is established to foster and encourage donations of highway, road, and street rights-of-way by voluntary donors in areas where the rapid expansion of residential, commercial, industrial and business activities is producing increased traffic levels.

Right-of-way is defined as the area of land designated for transportation purposes.

The governing body of a Transportation Benefit District (TBD), cities and counties are authorized to give credit for any right-of-way donation against an assessment, charge, or other required financial contribution for transportation improvements within a TBD.

The Department of Transportation (DOT), a county, city or town is required, after receiving a donation of right-of-way, to grant the donor an airspace permit for erecting and maintaining signs advertising a donor's business, unless such signs are detrimental to highway, road or street safety and operation. Signs may be erected on proposed limited access highways and streets until the donated parcel becomes part of a completed operating facility. All signs erected under this provision must adhere to federal, state and local laws and ordinances. The conditions for signage must be specified in the airspace permit.

Cities, towns and counties are authorized to credit donations of right-of-way in excess of that needed for traffic improvements against landscaping, parking, and other requirements mandated by local governments as a condition to granting permits for commercial or industrial developments.

The DOT is required to undertake specified steps to refine, modify, and enhance procedures and policies dealing with right-of-way donation. DOT must report to the Legislature on its efforts by January 1, 1988.

Votes on Final Passage:

Senate	48	0	
House	95	0	(House amended)
Senate	40	0	(Senate concurred)

Effective: July 26, 1987

SB 5735

C 227 L 87

By Senators Peterson, Bender, Tanner, Bailey and Garrett

Establishing revised standards for the issuance of permits for the construction of approach roads on state highway rights of way.

Senate Committee on Transportation
House Committee on Transportation

Background: The Department of Transportation is currently authorized to adopt rules governing the grant of permission to construct approach roads upon state highway rights-of-way. The Department is authorized to set conditions governing construction of culverts, depth of fill over culverts, and drainage facilities. The cost of construction and maintenance of approach roads is at the expense of the applicant, under the direction of the Department.

Although the statute is not restrictive, the Department has interpreted its ability to set conditions on the construction of approach roads to be limited to the factors specifically denoted above. Many approach roads (or "driveways") have been permitted which severely impact the free flow of traffic on state highways.

It is felt that, with specific authority to consider additional factors such as safety and operational integrity in determining whether to grant a permit for an approach road, the Department of Transportation could require mitigation measures which could lessen adverse impacts.

This is one of five measures developed by the Task Force on Economic Development/Transportation Issues, established by the Legislative Transportation Committee in 1986, to address the transportation needs arising in areas of rapid economic growth.

Summary: The rules promulgated by the Department of Transportation governing issuance of permits for construction of approach roads on state highway rights-of-way shall be designed to achieve and preserve reasonable standards of highway safety and the operational integrity of the state highway facility. Direction to the Department that the rules may address specific engineering requirements such as culverts and drainage facilities is deleted.

Votes on Final Passage:

Senate	48	0
House	95	0

Effective: July 26, 1987

SB 5739

PARTIAL VETO

C 471 L 87

By Senators Vognild, Warnke and Smitherman

Revising requirements for escrow agents for bonds and errors and omissions policies.

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

Background: Escrow agents operating in the state are required to hold a certificate of registration issued by the Department of Licensing. Certificated agents must have a fidelity bond, which protects the agent, and an errors and omissions policy which protects the consumer. Banks, trust companies, mutual savings banks,

savings and loans, credit unions, insurance and title insurance companies, agencies or lending institutions approved under the National Housing Act, attorneys, real estate brokers and agents who do not charge a fee, and bankruptcy trustees are exempt from these requirements.

The Director of Licensing, with the concurrence of the Insurance Commissioner, may determine that fidelity bonds and errors and omissions policies are cost prohibitive, or are not reasonably available to a substantial number of certificated escrow agents. In this circumstance, an association of escrow agents may be authorized to organize a mutual corporation for the purposes of protecting the agents and the consumer against losses arising from escrow transactions. In addition, the bond and error and omissions policy requirements may be waived. Both the mutual corporation and the waivers may exist for a fixed time period not to exceed 90 days after the end of the next regular session of the Legislature.

The Department of Licensing and the Insurance Commissioner have determined that the fidelity bonds and errors and omissions policies are not reasonably available.

Summary: The fidelity bond requirement is eliminated.

The time limit on the existence of the mutual corporation is eliminated.

The time limit for a waiver of the errors and omissions policy is changed to one year. The Director of Licensing may grant a renewal of the policy waiver.

A procedure and criteria are established which allow the Director to issue a certificate of waiver. A new applicant applying for a certificate of registration may apply for a certificate of waiver.

RCW 18.44.060, which requires a new bond if the old one is cancelled, is repealed.

The minimum time limit for a written notice of policy cancellation is defined as those time limits provided in RCW 48.18.290.

Votes on Final Passage:

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

Effective: July 1, 1987

Partial Veto Summary: The following are eliminated: Section 1, which deleted the $200,000 fidelity bond requirement for officers and employees engaged in escrow transactions; additional language which removed references to the fidelity bond requirements. (See VETO MESSAGE)

SB 5740

C 78 L 87

By Senator Vognild

Revising provision relating to ferry employees' compensation.

Senate Committee on Transportation
House Committee on Transportation

Background: Current statute allows ferry system management and employee organizations to bargain collectively for insurance and health care plans other than those provided to state employees under the State Employees' Insurance Board. Employer contributions by the state to such insurance and health care plans may exceed that of other state agencies, due to higher insurance premiums.

If employer contributions exceed that of other state agencies, however, the excess amount is to be subtracted from funds available for compensation purposes, to include future salary increases.

There are six major ferry employee organizations which receive employer contributions in excess of those for other state agencies, for insurance and health care plans. Employer contribution levels vary among these organizations. Compensation agreements with ferry employee organizations have not been finalized for the 1985–87 or 1987–89 bienniums.

Current statute language could be interpreted to say that wage increases must be decreased by this differential in benefit plans in each successive biennium. Such an interpretation would, in effect, require ferry employees to pay for this differential out of wages more than once.

Summary: If ferry employees, by bargaining unit, have absorbed an offset of wage increases in the 1985–87 biennium, equal to the differential between employer contributions for their insurance and health care plans and those of other general government state employees, ferry employees shall not be required to absorb further offsets in subsequent fiscal bienniums.

If the offset of wage increases in the 1985–87 biennium is less than the differential in benefit plan costs, the amount available for compensation must be reduced to absorb the remainder of the differential.

If the differential in benefit plan costs is increased, the increase in the differential must be used to reduce the amount available for compensation.

Compensation is defined to include all wages and employee benefits.

Votes on Final Passage:
Senate 48 0
House 98 0

Effective: July 1, 1987

SB 5747
C 341 L 87

By Senators Williams, Kreidler and Bluechel

Providing for a nonprofit historic preservation corporation.

Senate Committee on Parks & Ecology
House Committee on Housing

Background: RCW 64.04.130 authorizes the conveyance of less than fee interests in real property to governmental units and nonprofit natural conservancy corporations for the purpose of conservation of any land or improvements upon the land. Such interests constitute real property, and are to be conveyed in the form required by law for the conveyance of other interests in real property.

Summary: Nonprofit historic preservation corporations and federal agencies are included within RCW 64.04-.130 as qualified to receive conservation easements under that statute. Nonprofit historic preservation corporations are defined as an organization qualifying as tax exempt under federal law and having as one of its principal purposes the conducting of historic preservation activities within the state, including conservation or preservation of historic sites, districts, buildings and artifacts.

Nonprofit historic preservation corporations may acquire interests in real property for the conservation of open space, agricultural and timber land. Such lands may be assessed based upon current use for tax purposes under the "conservation futures" program. Grantor and grantee must agree in writing in order to exceed criteria for historic conformance provided in original easement agreement.

Votes on Final Passage:
Senate 43 0
House 97 0 (House amended)
Senate 42 5 (Senate concurred)

Effective: July 26, 1987

SSB 5761
C 79 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Vognild, Newhouse, Moore, Bender and Cantu)

Deleting certain rules governing electrical installations.

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

Background: New technology has made certain rules under RCW 19.29.010 obsolete. The rules pertain to the operation of electrical apparatus.

Summary: Obsolete rules governing electrical installations are removed from the Revised Code of Washington.

Rules 9, 19 and 30 of RCW 19.29.010 are deleted and a portion of Rule 6 is deleted. The deleted portion of Rule 6 concerns electrical wire guards. Rule 9 concerns steps on electrical poles. Rule 19 concerns the use of oil switches for safety. Rule 30 concerns cut out switches in manholes.

Votes on Final Passage:
Senate 47 0
House 98 0

Effective: July 26, 1987

SSB 5763
C 48 L 87

By Committee on Natural Resources (originally sponsored by Senators Stratton, McDonald, DeJarnatt, Owen and Barr)

Authorizing the department of fisheries to sell surplus salmon eggs.

Senate Committee on Natural Resources
House Committee on Natural Resources

Background: There are 130 volunteer fisheries projects in the Volunteer Fisheries Resource Program of the Department of Fisheries. These projects relate to salmon enhancement and education and include egg boxes, classroom aquariums, net pens, fish planting, small hatcheries, habitat improvement, and scientific activities. Participants are schools, private individuals, sport fishing groups, community groups and Indian tribes. Included in the program are 65 salmon enhancement projects which make a contribution to the sports, commercial and tribal salmon catches.

Volunteer cooperative projects may not sell surplus salmon eggs or carcasses on the open market. Eggs or salmon carcasses which are excess to the state hatchery egg requirements or cooperatives' needs are sold by the Department as part of the surplus eggs sales program and the proceeds go into the general fund.

Summary: The Department of Fisheries may authorize a cooperative salmon project, operating under permits and rules established by the Department, to sell surplus salmon eggs and carcasses through the Department's sales program. The funds from sales must defray the expenses of the cooperative project and quantities may not be sold to accumulate a financial profit for the project.

Votes on Final Passage:

Senate	47	0	
House	97	0	

Effective: July 26, 1987

SB 5764

C 342 L 87

By Senators Talmadge, McCaslin, Zimmerman and Halsan

Adopting the Washington sunrise act.

Senate Committee on Governmental Operations
House Committee on State Government

Background: Presently, the State of Washington lacks a uniform and coordinated procedure for determining the need for new boards and commissions and new types of special purpose districts.

Summary: The Office of Financial Management and the Department of Community Development, in cooperation with the Legislature, shall establish a procedure for the provision of sunrise notes. Sunrise notes shall deal with expected impact of bills authorizing new boards, commissions, and new types of special purpose districts. The sunrise notes shall focus on duplication of efforts and indicate the creation of potentially divided authority. OFM shall prepare sunrise notes for new boards and commissions. DCD shall prepare sunrise notes for new types of special purpose districts. "Special purpose district" excludes city, town, county, or school district. Sunrise notes are mandatory for executive and agency request bills creating new entities.

Distribution and request procedures for sunrise notes are specified.

The lack of a sunrise note or errors in a sunrise note shall not affect the validity of any measure duly passed by the Legislature.

The sunrise note process shall expire on June 30, 1992.

Votes on Final Passage:

Senate	45	0	
House	94	1	(House amended)
Senate	38	0	(Senate concurred)

Effective: July 26, 1987

SB 5774

C 252 L 87

By Senators Tanner and Anderson

Requiring permanent identification markings on dentures and removable dental prosthesis.

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

Background: In nursing homes where many residents may have dentures, staff do mass cleaning of all dentures and it is easy to mismatch the denture with the proper owner. Also, dentures are misplaced and some residents forget where they put them.

In order to make sure that the proper owners maintain use of their own dentures, the requirement of a permanent owner identification mark is recommended. This would also assist forensic dentists in identifying dead bodies.

Summary: Every denture shall be marked by a dentist or dental laboratory with permanent identification of the person who wears the denture. Dentures not marked prior to this law shall be marked when returned for any rebasing.

Votes on Final Passage:

Senate	48	0	
House	95	1	

Effective: July 26, 1987

SSB 5779

C 99 L 87

By Committee on Financial Institutions (originally sponsored by Senators Vognild, Bender, Sellar, Wojahn, McCaslin, Metcalf, Rasmussen, Zimmerman and Garrett)

Regulating vehicle mechanical breakdown insurers.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

Background: It is unlawful to engage in the business of insurance in this state without complying with Washington laws. However, it is often difficult to determine whether a particular transaction constitutes an insurance contract. Currently, vehicle warranties issued by either a manufacturer or a dealer in connection with a specific sale, for parts and workmanship, are not contracts for insurance.

Many dealers offer warranties developed and administered by third parties. So long as these third party administrators do not commingle funds they receive from one dealer with those received from another, they do not qualify as insurers. Therefore, they are not subject to the jurisdiction of the Commissioner and operate uninhibited by Washington's insurance code.

Summary: No motor vehicle service contract may be sold or offered in this state unless the provider of the service contract has a reimbursement insurance policy issued by an authorized insurer.

The service contract must contain a conspicuous statement indicating the obligations of the provider and the existence of the reimbursement policy. Information must be provided to the service contract holder explaining the means by which a claim may be filed under the reimbursement policy.

A specific cause of action under the Consumer Protection Act is established.

Votes on Final Passage:

Senate	44	1	
House	92	0	(House amended)
Senate	46	1	(Senate concurred)

Effective: July 26, 1987

SB 5780

C 268 L 87

By Senators Bottiger and Hayner

Authorizing diversified investment of campaign funds.

Senate Committee on Governmental Operations
House Committee on Constitution, Elections & Ethics

Background: Until 1977, monetary contributions to campaign funds were required to be maintained in depository accounts. In that year, the statute was amended to allow investment of funds on hand in bonds, certificates, savings accounts or other similar instruments in financial institutions. The interest on all of these is subject to federal income tax. It has been suggested that the investment authority be expanded further, to include tax–exempt accounts.

Summary: Tax–exempt securities and mutual funds are added to the types of investments allowed for funds on hand for campaigns of candidates or political committees.

Votes on Final Passage:

Senate	44	0
House	94	1

Effective: July 26, 1987

SSB 5801

PARTIAL VETO

C 515 L 87

By Committee on Commerce & Labor (originally sponsored by Senator Warnke)

Relating to industrial insurance.

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

Background: Fire fighters have a much higher incidence of respiratory and heart disease than the general population. Fire fighters are exposed to extreme heat and cold, smoke, fumes, and toxic substances in the course of their work. Likewise, law enforcement officers are often subject to extreme stress because of potential life–threatening situations in which they are placed.

Many states have statutes which create a presumption that certain illnesses suffered by fire fighters and law enforcement officers are occupational diseases for industrial insurance purposes. The Joint Select Committee on Industrial Insurance recommended that such a presumption be created for law enforcement officers and fire fighters.

Washington is one of the few states which require a person to demonstrate that there was an unusual exertion in order to recover for a heart injury claim.

Summary: A rebuttable presumption that respiratory disease is an occupational disease is established for fire fighters who established membership in the Law Enforcement Officers and Fire Fighters' Retirement System on or after October 1, 1977 (LEOFF II). The presumption may be rebutted by a preponderance of the evidence. Evidence which may be used to rebut the presumption includes the use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities. The presumption is extended to members following termination of service for a period

of three calendar months for each year of requisite service. The presumption may not extend more than 60 months following the last date of employment.

Fire fighters and law enforcement officers who are members of LEOFF II do not have to demonstrate that there was an unusual exertion on the job in order to have a compensable claim for a heart injury.

Votes on Final Passage:

Senate	27	20	
House	68	30	(House amended)
Senate	30	17	(Senate concurred)

Effective: July 26, 1987

Partial Veto Summary: Language that eliminates the unusual exertion requirement in heart attack cases for fire fighters and law enforcement officers to qualify for a claim is vetoed. (See VETO MESSAGE)

SSB 5814

C 313 L 87

By Committee on Commerce & Labor (originally sponsored by Senator Warnke)

Relating to mobile homes.

Senate Committee on Commerce & Labor
House Committee on Housing

Background: Currently mobile home owners have no protection under the Contractors Registration Act for installation or repair work on their homes (Chapter 18.27 RCW) because their homes are considered "personal property". Work on personal property is exempt under the Act.

A contractor's bond required under the Act is $6,000. A licensed mobile home dealer must post a bond of $30,000.

Summary: The Contractors Registration Act is made applicable for work on mobile homes, with the qualification that mobile home owners or licensed dealers may do set up and installation.

Votes on Final Passage:

Senate	43	1	
House	94	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	96	0	
Senate	41	0	

Effective: July 26, 1987

SB 5822

C 92 L 87

By Senators Garrett, McCaslin and Rasmussen

Revising short plat regulations.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: The division of land for purposes of sale, lease, or transfer of ownership must be reviewed and approved by the county, city or town within which the land is located, if the smallest lot created by the division is less than five acres in area. The size of the smallest lot in a division of land requiring review and approval may be increased to more than five acres by local ordinance.

A subdivision is a division of land that results in five or more lots. A short subdivision is a division of land into four or fewer lots. Cities and towns are allowed to increase the number of lots in a short subdivision to a maximum of nine. The procedure for the approval of subdivisions is lengthier and has more requirements than the procedure for the approval of short subdivisions.

If a short subdivision is further divided within five years of its approval, the division is considered to be a subdivision and a final plat of the area must be filed and approved under the provisions applying to subdivisions.

Summary: An exemption is created to the requirement that a final plat (map) of a subdivision be filed if a short subdivision is to be further divided within five years of its approval. The requirement does not apply if the short subdivision contained fewer than four lots and the owner who filed the short subdivision files an alteration to create up to a total of four lots within the original short subdivision boundaries.

Votes on Final Passage:

Senate	44	1
House	98	0

Effective: July 26, 1987

SSB 5824

C 188 L 87

By Committee on Judiciary (originally sponsored by Senators Halsan, Nelson, Talmadge and Bauer)

Making assault at state corrections facilities and local detention facilities a class C felony.

Senate Committee on Judiciary

House Committee on Judiciary
House Committee on Ways & Means

Background: It has been reported that personnel at state and local corrections facilities need protection from assault by inmates or residents.

Summary: A person is guilty of custodial assault if he or she, under circumstances not amounting to first or second degree assault, assaults any staff member, volunteer, educational personnel, personal service provider, or vendor or agent at any state or local, adult or juvenile, corrections or detention facility. Custodial assault is a class C felony.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: July 1, 1987

SSB 5825

C 383 L 87

By Committee on Judiciary (originally sponsored by Senators Conner and Talmadge)

Revising provisions on horizontal property regimes.

Senate Committee on Judiciary
House Committee on Judiciary

Background: It has been reported that the current law with respect to condominium construction, ownership, and management is outdated. Revisions to the current law are needed to effectively address these concerns.

Summary: When the plans of a condominium or apartment building are filed with the county auditor, the description of each unit shall include the approximate square footage of the unit, its number of bathrooms, bedrooms, built–in fireplaces, a statement of any scenic view which might affect the value of the apartment and the initial value of the apartment. Separately delineated storage areas for motor vehicles are included in the definition of "apartment."

A statutory committee is created to review present law and the Uniform Condominium Act, draft revisions based on this review, and report to the Legislature by January 1, 1988. Membership of the committee shall be as follows: (1) One member each of the majority and minority parties of the House of Representatives and the Senate; (2) four members of the Senate Judiciary Condominium Task Force Drafting Subcommittee; (3) a member of the Washington Land Title Association; (4) a member of the Washington Association of Realtors; (5) A member of the Washington Mortgage Bankers Association; (6) a member of the Washington Chapter of the Condominium Associations Institute; (7) a member of the State Homebuilders Association; (8) a member of the State Bar Association; and (9) a member of the State Association of County Officials.

Votes on Final Passage:

Senate	47	0	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House	96	0	
Senate	47	0	

Effective: July 26, 1987

SSB 5830

C 84 L 87

By Committee on Human Services & Corrections (originally sponsored by Senators Deccio, Wojahn, Lee, Stratton, Kiskaddon, Anderson, Kreidler, Johnson, Tanner and Rinehart)

Exempting the procurement, processing, storage, and distribution of organs for transplantation from implied warranties under the Uniform Commercial Code.

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

Background: Current law grants immunity from implied warranties and civil liability under the Uniform Commercial Code for persons using blood or its by–products for injections or transfusions into the human body. In recent years, tissue and organ procurement and banking of them for transplantation has become a viable medical procedure. Just as immunity was needed for blood transfusions, proponents believe that persons involved in tissue and organ transplantations should be granted immunity.

It is common practice for organs to be transported from one state to another. Washington is not among the 33 states which have exemption from implied warranty and civil liability for persons involved in transplants.

Summary: Procurement, processing, storage, distribution, administration or use of tissues, organs or bones for the purpose of transplantation into the human body is exempt from any implied warranty under the Uniform Commercial Code in matters relating to hepatitis, malaria and AIDS. No civil liability can be

incurred except in the case of wilful or negligent conduct.

Votes on Final Passage:
Senate 42 0
House 96 0

Effective: July 26, 1987

SSB 5838

C 317 L 87

By Committee on Commerce & Labor (originally sponsored by Senators McDermott, Talmadge, Warnke, Wojahn, Smitherman and Bailey)

Regulating sales of health studio memberships.

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

Background: Health studios are not regulated in Washington State. The office of the Attorney General receives numerous complaints from consumers regarding health studio practices each year. If certain aspects of health studios were regulated, consumers could make better informed decisions concerning health studio membership. A number of states currently regulate health studios.

Summary: A health studio must prepare and provide each prospective member a written list of all membership plans offered by the health studio. The list must contain a description and the price of each plan. No health studio may sell a plan not included on the list. A health studio is prohibited from making special offers or discounts unless they are in writing and available to all prospective members unless it is a special offer or discount offered to a group.

A "health studio" is defined as any person or entity engaged in the sale of instruction, training, assistance or use of facilities which purports to help patrons to improve their appearance through exercise, body building, weight loss, figure development, or any other activity. Exemptions are provided for institutions of higher education; public schools and approved private schools; persons providing professional services within the scope of their license; bona fide nonprofit organizations which have been granted tax exempt status by the Internal Revenue Service; and bona fide nonprofit organizations which have members who have meaningful voting rights to elect and remove a board of directors responsible for the operation of the health studio. Exemptions are also provided for: entities which offer physical exercise, body building, figure development or similar activities as incidental features of diet plan; and existing facilities which primarily offer aerobic classes where the initiation fee is less than $50 and no memberships are sold which exceed one year in duration.

A health studio contract must be in writing and must not require financing by the buyer in excess of 36 months. No contract may be measured by the lifetime of the buyer. A copy of the contract and all rules of the health studio must be given to the buyer when the contract is signed.

A health studio contract must contain: the name and address of the health studio operator, the date the buyer signed the contract, a description of the services and equipment to be provided, the duration of the contract, the fees to be paid, and clauses which explain the buyer's right to cancel and receive a refund.

A buyer is provided with a three-day "cooling-off period" which allows the buyer to cancel a health studio contract for any reason within three days from when it is signed.

A buyer is relieved from the obligation to pay dues after cancellation of a contract and is entitled to a refund of the unused portion of any prepaid dues. A buyer is generally entitled to a pro rata refund of a one-time only initiation or membership fee after cancelling a contract. If a pro rata refund is required, it is computed by dividing the total contract price by the number of weeks in the contract term and multiplying the result by the number of weeks remaining in the contract term. A buyer must be provided a refund within 30 days after written notice of cancellation.

A health studio may keep the entire one-time only initiation or membership fee if the following conditions are met: (1) A clause in the contract clearly states that the fee is nonrefundable and the clause is separately signed by the buyer; (2) cancellation of the contract did not occur during the three-day cooling off period or the five-day period immediately after a new facility opens; and (3) cancellation was due to some reason other than the health studio closing without a comparable facility being available in a ten-mile radius, or the health studio not being completed by the date stated in the contract.

A health studio may also keep the entire one-time only initiation or membership fee when the buyer cancels because of death or total disability if cancellation occurs three or more years after the contract was signed.

If a health studio sells memberships before the health studio facility is completed, then the services must begin within 12 months from the date the contract is signed unless completion of the facility is delayed due to war or natural disaster. The buyer may

cancel within the first five business days the facility opens if the contract was sold before the opening of the facility. All moneys collected by a health studio prior to the opening of the facility must be deposited in a trust account or the health studio may post a bond in the amount of $150,000. The failure to maintain a trust account or post a bond constitutes a class C felony.

A violation of the bill constitutes a per se violation of the Consumer Protection Act. A buyer who prevails in a cause of action is entitled to reasonable attorneys' fees.

Contracts entered into before the effective date of the bill are unaffected.

Votes on Final Passage:

Senate	29	20	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	96	0
Senate	30	15

Effective: July 26, 1987

2SSB 5845

C 95 L 87

By Committee on Ways & Means (originally sponsored by Senators Owen, Anderson, Kreidler, Smitherman and Warnke)

Revising provisions on forest practices.

Senate Committee on Natural Resources and Committee on Ways & Means
House Committee on Natural Resources
House Committee on Ways & Means

Background: For the past year, the Forest Practices Board has been debating whether to adopt new rules regarding the interaction of forest practices with streamside management. During this process a group of historically adversarial groups decided to "negotiate a settlement" on numerous forest practices issues.

On December 15, 1986, the proponents of "Timber, Fish and Wildlife Project" presented a proposal to the Forest Practices Board for consideration and inclusion in forthcoming environmental impact analysis on new forest practice regulations.

All of the changes proposed to the Forest Practices Board need public review, environmental review and rule-making changes.

In addition to regulatory changes, there is need for statutory changes if the proposals are to be implemented.

Summary: The purposes of statewide forest practice regulation is expanded to: (a) include fostering cooperation among forest land managers, landowners, tribes and citizens; and (b) encourage forest landowners to take corrective and remedial action to reduce damage from mass earth movement and fluvial processes.

The DNR is to study and produce a hazard-reduction plan for each geographic region. The study shall include hazards which pose significant danger to public resources or safety; recommendations on the identified sites; and a cost-benefit analysis. Liability does not arise for failure to identify a site. The DNR shall utilize specialists such as hydrologists and geomorphologists. Priorities shall be those roads and railroads constructed prior to the Forest Practices Act of 1974. At the request of DNR, an advisory board to review proposed hazard-reduction plans is established. A process to request amendments in a conference and time frames for conferences and adoption of final hazard-reduction plans are established. Once final, hazard-reduction plans are appealed to the Forest Practices Appeals Board.

A landowner is not liable for personal injuries or property damage occurring on or off the identified site when implementing the recommendations or accessing the site to implement the recommendations. If the plan is implemented to the satisfaction of the DNR, the landowner is not liable for subsequent mass earth movement or fluvial process unless the owner has actual knowledge of a dangerous artificial latent condition not disclosed to the DNR.

If funds are available, the DNR pays 50 percent of the costs of implementing the hazard reduction program. If no or insufficient funds are available, the landowner may request application of the program at his or her expense. Cost-share funds are not available for sites where the hazard results from not following the then prevailing standards.

Landowners are not liable for damage resulting from trees falling in the riparian area if the DNR required such trees to be left to benefit public resources and if the trees fall naturally.

The Forest Practices Board rulemaking authority is amended to allow landowner management plans as an alternative to the minimum forest practices standards. The time frame for approving or disapproving Class III forest practices is expanded from 14 days to 30 days. The reforestation requirements are revised allowing the DNR to identify low productivity lands

on which up to ten years (instead of five years) is allowed for natural regeneration.

Votes on Final Passage:
Senate 47 0
House 98 0

Effective: April 20, 1987

SSB 5846
PARTIAL VETO
C 427 L 87

By Committee on Parks & Ecology (originally sponsored by Senators Kreidler and Bluechel)

Establishing boating safety regulations.

Senate Committee on Parks & Ecology
House Committee on Transportation
House Committee on Ways & Means/Appropriations

Background: Washington State began a federally approved boating safety program in 1984. This program adopted certain U.S. Coast Guard regulations, and established programs for statewide boating safety education and for accident reporting. It provided some federal funds for enforcement. Local governments are primarily responsible for boating safety enforcement in this state.

Washington currently has a boating fatality rate that is more than double the national average. Increases in the state's recreational boater population, inadequate enforcement, and lack of uniformity in local boating regulations are factors contributing to this problem.

Summary: Local governments are required to submit reports to the Parks and Recreation Commission regarding any boating accident which results in death, or in injury requiring hospitalization.

The Boating Safety Advisory Committee is established by statute. Members are authorized to receive reimbursement for travel expenses.

The Commission will establish a uniform waterway marking system for waters not under federal administration.

The Parks and Recreation Commission is to conduct a study on boating accidents and boating safety services, including a review of the local option tax as it is used for boating safety enforcement.

Votes on Final Passage:
Senate 33 13
House 84 11 (House amended)
Senate (Senate refused to concur)
House (House refused to recede)
Conference Committee
House 96 0
Senate 33 12

Effective: July 26, 1987

Partial Veto Summary: The provision establishing the Boating Safety Advisory Committee by statute is vetoed. (See VETO MESSAGE)

SSB 5849
C 14 L 87

By Committee on Financial Institutions (originally sponsored by Senators Bottiger, Deccio, Talmadge and Sellar)

Requiring a notice of insurance cancellation be sent to agent or broker who procured the policy.

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

Background: When an insurer cancels a policy, notification must be delivered to the insured, and the insurance representative not less than 45 days prior to the cancellation. Occasionally the procuring agents or brokers are not notified of the cancellation because they are not considered the representative in charge of the subject matter.

Summary: Whenever an insurer is required to give notification of cancellation or nonrenewal to an insured, a copy must be sent simultaneously to the insured's agent or broker of record.

Votes on Final Passage:
Senate 47 0
House 96 0

Effective: July 26, 1987

SSB 5850
PARTIAL VETO
C 397 L 87

By Committee on Transportation (originally sponsored by Senator Tanner)

Revising certain traffic infractions and administrative penalties.

Senate Committee on Transportation
House Committee on Transportation

Background: When the federal government lowered maximum highway speed limits to 55 miles per hour in 1973, it was for energy conservation purposes, rather than highway safety concerns. The multi-lane state highways of Washington State have been designed to accommodate vehicle speeds of 70 miles per hour and above.

Insurance companies currently receive a driver's abstract that reflects all traffic infractions and accidents for the three years preceding the request. The accidents which appear on the driver's record do not differentiate between accidents where the person was at fault or not at fault.

There are over $7 million worth of traffic infractions outstanding in Washington State. This is a drain on the state's general fund, motor vehicle fund, the local jurisdictions and the court system. Currently, the Department of Licensing does not renew a driver's license if a court has notified the Department of Licensing that the person has Failed To Appear (FTA) and has not paid the fines and penalties due.

Summary: If the federal government approves a raise to 65 miles per hour on the rural interstate system, the Secretary of the Department of Transportation shall raise the speed on the rural interstate system to 65 miles per hour. The maximum speed limit on Interstate 5 between Olympia and Everett is set at 55 miles per hour.

If the Department of Transportation through a traffic investigation determines that raising the speed limit to 65 on any particular stretch would be unsafe, the speed will be posted at the speed indicated by the study.

An insurer cannot raise a motor vehicle insurance premium unless the insurer determines that the insured was at fault in the accident.

Any person who has two or more Failure To Appear (FTA) shall have his/her driver's license suspended until such time as the fines and penalties are paid.

Votes on Final Passage:

Senate	32	14	
House	64	33	(House amended)
Senate	34	14	(Senate concurred)

Effective: July 26, 1987

Partial Veto Summary: The provision which requires the Department of Licensing to suspend the driver's license of individuals with two or more "failure to appear" is vetoed. This is necessary because a similar provision is in legislation signed earlier by the Governor. (See VETO MESSAGE)

SSB 5857

PARTIAL VETO

C 416 L 87

By Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Deccio, Tanner, Johnson and Vognild)

Establishing the impaired physician program.

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

Background: Currently, there is no statutory authority for the treatment of physicians impaired by alcoholism, drug abuse, and mental illness. Physicians suspected by the Medical Disciplinary Board as having impairment problems are evaluated. If the Board determines that the physician has an impairment problem, it has the right to impose sanctions prescribed by the Uniform Disciplinary Act. In most cases the Board requires that physicians enroll in a treatment program acceptable to the Board. Physicians may refer themselves for treatment for impairment problems.

Summary: The Medical Disciplinary Board is directed to enter into an agreement with a committee whose purpose is to identify impaired physicians, intervene in cases of verified impairment, and provide treatment and post-treatment.

The composition of the committee must include physicians who have expertise in the areas of alcoholism, drug abuse, or mental illness. They are to be broadly representative of the state's physicians.

The impaired physician program is funded through a surcharge of up to $15 placed on each new and renewed physician license, which is dedicated to the program.

The physician committee shall consult with the Board with regard to statistical information on impaired physicians and investigations conducted. The commission is required to report to the Board the name of any physician who is believed to constitute an imminent danger to the public or any physician who refuses to cooperate with the committee.

The Board shall direct the committee to evaluate any physician it believes to be impaired. The findings of the committee are to be reported to the Board.

All committee records pertaining to impaired physicians are confidential and not subject to subpoena, the

public disclosure law, or admissible in any legal proceedings.

Freedom from liability is granted to Board and committee members while in the performance of their duties.

Appropriation: $501,200 biennium

Votes on Final Passage:

Senate	45	0	
House	95	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 1, 1987

Partial Veto Summary: The section is removed which prevents records of the committee from subpoena or from being admissible in any legal proceeding. (See VETO MESSAGE)

SSB 5858

C 89 L 87

By Committee on Commerce & Labor (originally sponsored by Senators Johnson, Warnke, Talmadge, Stratton, Bottiger, McDermott, Bailey, von Reichbauer, Cantu, Lee and McDonald)

Adopting procedures for the collection of the sales tax on the sale of mobile homes by dealers or selling agents.

Senate Committee on Commerce & Labor and Committee on Ways & Means
House Committee on Housing

Background: The Department of Revenue requires the majority of mobile home dealers to submit retail sales taxes on a monthly basis to the Department. Periodically, due to business failures, the Department has been unable to collect sales taxes that are owed by mobile home dealers.

Summary: The Department of Revenue is authorized to designate county auditors to act as its collection agents for sales tax on mobile homes. A designated agent is required to collect the sales tax on mobile homes at the time of transfer of ownership from a mobile home dealer to the new owner. An exception is made for an applicant having a written statement from the Department of Revenue indicating that sales tax is not due on that transaction. It is the duty of an applicant to disclose the selling price of the mobile home.

Designated agents are required to transmit sales tax revenues to the State Treasurer less a $2 processing fee for each transaction. Applications for refunds of taxes not considered legally due may be made within four years of the date of payment. The Department is authorized to collect sales tax in accordance with existing administrative procedures.

The Director of the Department of Licensing is also authorized to act as a designated agent for the collection of sales tax.

Votes on Final Passage:

Senate	45	1
House	98	0

Effective: April 20, 1987

SB 5861

C 194 L 87

By Senators Tanner, Johnson, Moore, Hansen and Conner

Providing an exemption for specified vessels from application of chapter 88.16 RCW.

Senate Committee on Transportation
House Committee on Transportation

Background: The state Pilotage Act requires all registered vessels (foreign flag) to employ a state licensed pilot while in Washington waters. Those pilots must be paid state pilotage rates. State licensed pilots are highly qualified and capable of providing pilotage services for Puget Sound or Grays Harbor on board any size or type of vessel.

When the owners of a high speed passenger vessel began service in July, 1986 between Seattle and Victoria, British Columbia, they were required to employ a pilot. Many argue that a state licensed pilot is not necessary on those types of vessels.

Summary: The State Board of Pilotage Commissioners is authorized to grant an exemption from the provisions of the state Pilotage Act to any vessel the Board finds is a small passenger vessel or yacht. That vessel may not be more than 500 gross tons, may not exceed 200 feet in length, and must be operated exclusively in the waters of the Puget Sound Pilotage District and lower British Columbia.

To be considered for such an exemption, an interested party petitions the Board in writing. Such petition sets out a description of the vessel, its contemplated use, the area of operation and the vessel's owner. To grant such an exemption, the Board must find that the exemption is not detrimental to the public interest in regard to safe operation.

The Board is to review exemptions granted to ensure that vessels remain in compliance with the original exemption at least annually. The Board is to revoke

such exemption where there is not continued compliance and maintain a file detailing exemptions granted by the Board and to report to the Legislature annually.

Votes on Final Passage:

Senate	33	0
House	98	0

Effective: April 25, 1987

SB 5863

C 253 L 87

By Senators Warnke, Garrett and Rasmussen

Prohibiting the refusal or expulsion of mobile homes from a mobile home park because of the age of the mobile home.

Senate Committee on Commerce & Labor
House Committee on Housing

Background: The Mobile Home Landlord Tenant Act prohibits any landlord from: denying tenants the right to sell their mobile homes within a park or require its removal due to sale; restricting a tenant's freedom of choice in purchasing goods or services other than exterior structural improvements; prohibiting meetings by tenants to discuss living conditions; taking adverse actions against a tenant for filing a complaint with a government agency, requesting a landlord to comply with the provisions of the Act, filing suit against the landlord, or participating in a homeowner's association; charging a utility fee in excess of the actual utility costs; and removing or excluding a tenant from the premises without complying with the provisions of the Act.

The restrictions placed on landlords do not include a limitation on the ability to remove or restrict entry to the mobile park due to the age of the mobile home unit.

Summary: The Mobile Home Landlord Tenant Act is amended to prohibit a landlord from preventing the entry or requiring the removal of a mobile home for the sole reason that the mobile home unit has reached a certain age.

Votes on Final Passage:

Senate	43	2	
House	94	3	(House amended)
Senate	38	0	(Senate concurred)

Effective: July 26, 1987

2SSB 5871

C 287 L 87

By Committee on Ways & Means (originally sponsored by Senator Peterson)

Establishing the Washington institutions of higher education day care program.

Senate Committee on Education
Senate Committee on Ways & Means
House Committee on Higher Education

Background: Twenty of the state's 27 community colleges currently provide child day care services; half of the public four-year institutions also provide some form of child day care services on campus. Proposals have been offered to initiate or expand day care facilities in public higher education but such efforts have been hampered by the lack of complete information on the types of facilities available, the number of children served, the kinds of fees levied or the size and composition of the day care budgets. It has been suggested that a comprehensive study of all public higher education day care facilities be undertaken.

Summary: The State Board for Community College Education (SBCCE) and the Higher Education Coordinating (HEC) Board are required to conduct surveys of institutionally-related child day care facilities available in the 1986-87 academic year to children of college or university students, faculty and staff in their assigned institutions. The surveys must include an examination of: the number of children served, the percentage of children from each segment of the institution's population, the size and location of the facility used, the fees charged, and the facility's annual budget, including sources of funding. State colleges or universities that have no child day care facilities on or near campus are required by the appropriate board to conduct needs assessments in consultation with their students, faculty and staff. The surveys and needs assessments, including recommendations for ways to meet identified needs, are due on December 1, 1987 to the appropriate legislative policy committees.

Votes on Final Passage:

Senate	27	22	
House	81	14	(House amended)
Senate	30	18	(Senate concurred)

Effective: July 26, 1987

SSB 5880

C 459 L 87

By Committee on Education (originally sponsored by Senators Benitz, Saling, Bailey, Owen and Bauer)

Establishing a tuition recovery fund for private vocational schools.

Senate Committee on Education
House Committee on Higher Education
House Committee on Ways & Means/Appropriations

Background: In 1986 the Legislature passed ESHB 1687 regulating private vocational schools. The act is essentially a consumer protection measure to assist students in evaluating private vocational school programs and obtaining refunds in the event of their withdrawal or school cancellation or closure. Under prior law, the Educational Services Registration Act of 1979, schools which were accredited by national organizations were exempt from filing fees and bonding requirements.

All private vocational schools are now required to have an approved surety bond or other security on file with the Commission for Vocational Education. The bond amount must be at least $5,000, but not more than $200,000, and is determined on an incremental scale based on the average amount of prepaid tuition in possession of the school, as determined by CVE. Schools are permitted, in lieu of a surety bond, to make a cash deposit or other negotiable security with CVE. Other forms of acceptable security determined by agency rule include escrow accounts, letters of credit, and certificates of deposit.

The surety bond requirement is a problem for the private vocational schools financially, and CVE administratively. Surety carriers require strict financial qualifications as a condition of underwriting the bonds and charge annual premiums as high as 10 percent of the bonded liability. The agency has been unable to strictly enforce the law in this setting due to the fear that the requirements may contribute to financial instability of private vocational schools which are otherwise solvent.

A private vocational school advisory committee has studied the approach taken in other states to recommend an alternative security requirement which addresses the problems stated and still provides student–consumer protection as required by the 1986 act.

Summary: The Commission for Vocational Education is to establish a tuition recovery fund for the benefit and protection of students of private vocational schools. The liability of each private vocational school is determined on an incremental scale based on the average amount of unearned prepaid tuition in possession of the school. The minimum liability of each school is at least $5,000 and the maximum amount is not to exceed $200,000.

The fund will be initially capitalized at $200,000 increasing to a $1,000,000 operating balance in five years. The contribution required from each school will be on a pro rata basis. The total contribution is due in ten equal installments over a five year period. An initial contribution is due within thirty days after the effective date of the act. Surety bonds or other security filed under prior law will be released within sixty days after payment of the initial contribution. New licensees are required to make an initial contribution prior to a license being issued.

When the fund balance reaches $5,000,000 the agency may reduce the schedule of deposits. Surplus funds may be disbursed for vocational scholarships subject to future legislative approval. Annual financial data of each licensed school is reviewed by the agency to determine whether to increase or decrease the school's contribution.

If 51 percent or more of the ownership interest of a school is sold or transferred to new owners, the previous contribution schedule is canceled and previous contributions accrue to the fund. The new owner commences contributions as a new licensee.

The agency is authorized to settle complaints and claims resulting from closure of a school by disbursements from the fund. The liability of the fund is not to exceed the total of a closed school's contributions to the fund. The agency will seek to recover the amount disbursed from the assets of the defaulted entity and may proceed as a creditor in bankruptcy proceedings.

When funds are disbursed to settle claims against a current licensee, the agency will demand reimbursement. Failure to make such reimbursement will subject the school's license to suspension or revocation.

A minimum operating balance of $200,000 will be maintained. Any time the fund balance is below that amount, each school will be assessed a pro rata share of the deficiency.

The tuition recovery fund is established in the custody of the State Treasurer. Disbursements may be made upon agency authorization without further appropriation being required. All earnings of investments shall be credited to the tuition recovery fund.

Existing licensing requirements are amended to require participation in the tuition recovery fund. The surety bond section of the existing law is repealed.

Appropriation: $26,000 to the Commission for Vocational Education for start–up costs of administering the tuition recovery fund. After expenditure of that

amount, the agency's costs of administering the tuition recovery fund will be paid from the fund.

Votes on Final Passage:

Senate	49	0	
House	97	0	(House amended)
Senate	38	0	(Senate concurred)

Effective: May 18, 1987

SB 5882

C 303 L 87

By Senators Moore and Patterson

Authorizing contractors to deposit cash or securities to meet insurance requirements.

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

Background: The Contractors Registration Act, Chapter 18.27 RCW, requires every contractor to furnish at the time of registration public liability and property damage insurance of at least $25,000 for property damage, $50,000 for personal injury or death involving one person and $100,000 for injury or death involving more than one person.

Summary: A choice is given to contractors to meet the liability insurance requirement by either obtaining insurance or providing the Department with an assigned account of the same amount as the insurance levels.

If the contractor chooses the assigned account option, the contractor must enter into an assigned account agreement with the Department which is acceptable to the Department, and indicates the assigned account is held to satisfy judgments against the contractor. The Department is excused from any liability beyond the limits of the assigned account.

The account may be cancelled three years after either (1) license revocation, (2) the contractor furnishes proof of insurance, and in either case, no lawsuit has been filed.

Contractors are required to notify all clients if the contractor chooses the assigned account option, and that recovery from the account can only be obtained following a court judgment in favor of the claimant.

Votes on Final Passage:

Senate	49	0	
House	95	0	(House amended)
Senate	38	0	(Senate concurred)

Effective: July 26, 1987

SSB 5892

C 108 L 87

By Committee on Governmental Operations (originally sponsored by Senators Smitherman, Johnson and Bottiger)

Modifying the binding site plan exemption to land subdivision requirements.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: A county, city, or town may exempt a division of land for the creation of mobile home parks, condominiums, industrial or commercial lots from review and approval under the platting and subdivision chapter if its governing body has approved a binding site plan for the division in accordance with local regulations.

A binding site plan is defined as a drawing to scale which includes: (1) identification of those streets, utilities, open spaces, and improvements required by the local governmental entity; (2) inscriptions or attachments setting forth limitations and conditions on the use of the land established by the local government; and (3) provisions requiring development to be in conformity with the site plan. A binding site plan must be filed with the county auditor and is enforceable against the purchaser or other person acquiring ownership of the lot. Any sale or transfer of such a lot in violation of the binding site plan, or without obtaining binding site plan approval, is illegal.

It is suggested that the governing body of a county, city or town be allowed to delegate the approval of binding site plans to administrative officers or bodies.

Summary: Language in the platting and subdivisions chapter requiring approval of a binding site plan by the governing body of a county, city, or town is stricken. The authority to approve binding site plans may be delegated to administrative officers or bodies.

Votes on Final Passage:

Senate	47	0
House	98	0

Effective: July 26, 1987

SSB 5901

PARTIAL VETO

C 8 L 87 E1

By Committee on Ways & Means (originally sponsored by Senator McDermott)

Revising the authority of the state convention and trade center.

Senate Committee on Ways & Means
House Committee on Ways & Means

Background: The Washington State Convention and Trade Center was formed as a public nonprofit corporation under Chapter 24.03 RCW. The State Finance Committee was given authority to sell general obligation bonds totalling $99 million in order to design and construct a state convention and trade center in Seattle. The purpose of this legislation was to provide both direct and indirect civic and economic benefits to the people of the state.

Summary: An additional appropriation of $64,388,000 is provided for completion of the convention center, demolition of the McKay building, of the Eagles Building rehabilitation, and parking areas, and project contingencies. The Director of the Office of Financial Management (OFM), in consultation with the chairs of House and Senate Ways and Means Committees, must approve convention center borrowing and capital expenses.

A representative of the management of the hotel/motel industry shall be appointed to the convention center board of directors and, thereafter, one member of the board shall always be from the hotel/motel industry. The convention center corporation may enter into long term leases with the approval of the Director of OFM in consultation with the chairs of the Ways and Means Committees.

Bond proceeds, hotel/motel tax revenues, and all other funds used for construction must be deposited in the convention center account. Money in this account may be used for bond retirement and, if appropriated, for capital expenses. Operating revenues, and money from other sources, shall be deposited in the operating account, and must also be appropriated. General fund money shall be transferred to this account to cover any operating appropriation not covered by operating revenue. This borrowing shall be repaid with interest at the rate treasury investments earn. The convention center corporation must use the money from the hotel/motel tax first, to make bond retirement payments and repay the general fund for money borrowed to make bond payments and, second, to complete construction.

The special hotel/motel tax (RCW 67.40.090), at 5 percent in Seattle and 2 percent in King County outside of Seattle, will expire when: (1) the convention center bonds have been retired, and (2) all borrowing from the state for bond retirement and operating expenses prior to June 30, 1992 has been repaid together with interest at the rate treasury investments earn. Additionally, on October 1, 1993, a surtax is added to the special hotel/motel tax. The revenue from this surtax shall be used to cover the annual net operating loss of the convention center after July 1, 1992. The surtax shall be the lesser of: (1) 2 percent in the City of Seattle and .8 percent in King County outside of Seattle; (2) the amount necessary to cover the net operating deficit of the convention center in the prior fiscal year plus any surtax deficiencies in prior years less any surtax surpluses in prior years. If the court enjoins collection of, or invalidates, the variable rate provisions of the surtax statute and the surtax would be imposed at the maximum rates of 2 percent in Seattle and .8 percent in King County outside of Seattle.

The Legislature will review the convention center finance and governance and will continue to finance capital costs of the center, retire debt issued for this purpose, and provide for existing obligations and duties of the convention center and management continuity.

A joint legislative committee on the convention and trade center is created to study, in consultation with the convention center board of directors and the hotel/motel industry, alternative methods for future finance and governance of the convention center. Recommendation for changes in convention center structure, if any, shall provide that the new entity assume all obligations and duties of the current convention center corporation. The committee must submit a report by December 15, 1987. $100,000 is appropriated to the House to conduct, or contract for, this study. Two members of both caucuses of both houses, including Ways and Means Committee chairs or designees, shall comprise the committee.

Special hotel/motel tax revenues cannot be used for building, buying, operating or maintaining facilities or land used by a professional sports franchise.

Votes on Final Passage:

First Special Session

Senate	28	14	
House	51	35	(House amended)
Senate	25	11	(Senate concurred)

Effective: June 12, 1987

Partial Veto Summary: The section repealing the convention center's appropriation in the operating budget act (ESHB 1221) is vetoed, as is the appropriation itself. As a result, the appropriation in section 12 of ESSB 5901 stands as enacted. (See VETO MESSAGE)

SSB 5911

PARTIAL VETO

C 472 L 87

By Committee on Ways & Means (originally sponsored by Senator McDermott)

Providing for the acquisition and management of natural resource conservation areas.

Senate Committee on Ways & Means
House Committee on Natural Resources

Background: The Department of Natural Resources (DNR) manages state-owned "trust" lands to generate income for school construction and other activities. Many of the trust lands, and adjoining privately-owned lands, possess sensitive ecological features. Changes in surrounding land use can create pressure that may endanger ecological features. Often these lands have limited potential for timber or other income production.

DNR has identified four such properties totalling over 5,100 acres which are especially important to acquire in the near future. The properties are: Mt. Si, King County; Woodard Bay, Thurston County; Dishman Hills, Spokane County; and parts of Cypress Island, Skagit County. The property includes both public and private land. There is a history of legislative interest in preserving such areas, as indicated by RCW 43.51.940 (relating to Mount Si) and House Floor Resolution 86-115 (relating to Cypress Island).

At present, real estate transactions are subject to two taxes: the conveyance tax under RCW 82.20 and the real estate excise tax under RCW 82.45. Costs are incurred by both the Department of Revenue and local jurisdictions for the collection and administration of these two tax systems. The Department of Revenue has estimated elsewhere that its costs for administration of the conveyance tax amount to approximately $46,000 per fiscal year.

Summary: The Department of Natural Resources, subject to legislative appropriation, is authorized to purchase and manage certain properties as Natural Resource Conservation Areas and to reimburse the common school trust fund for any trust lands converted to conservation areas. The number of acres of public or private lands to be placed in or acquired for natural resource conservation areas are not specified but depend upon management plans to be developed by DNR for conservation areas. The Department administers such areas directly, or through agreement with other state agencies, local governments, or private conservancy corporations.

$11.9 million is appropriated to obtain conservation area property.

The $4 million appropriated to the Department of Natural Resources for purchasing property under Chapter 79.70 RCW is to be matched by at least 25.0 percent from privately raised funds, contributions of real property, or services necessary to achieve the purposes of nature conservancy.

The conveyance tax statute, RCW 82.20, is repealed. Real estate excise tax rates in RCW 82.45 are adjusted via amendment to recover the revenue lost. An additional six one-hundredths of 1 percent excise tax is levied through June 30, 1989, the proceeds to be deposited to the conservation areas account.

Votes on Final Passage:

Senate	25	22
House	53	42

Effective: May 18, 1987

Partial Veto Summary: A section retaining conveyance tax provisions for instruments processed prior to the effective date of this bill but held in escrow is deleted. (See VETO MESSAGE)

SB 5936

C 201 L 87

By Senators Rasmussen, Newhouse, Talmadge, Kiskaddon, Vognild, Lee and Halsan

Prohibiting contingent-fee lobbying contracts.

Senate Committee on Judiciary
House Committee on Constitution, Elections & Ethics

Background: Lobbyists must disclose any agreements, arrangements or understandings made with employers which specify that the lobbyist's compensation, or any portion of it, is contingent upon successfully influencing legislation. Concern exists that such agreements, arrangements and understandings create an incentive for the lobbyists which is not in accordance with public policy.

Summary: Lobbyists are prohibited from entering into agreements, arrangements or understandings which specify that the lobbyist's compensation, or a portion

of it, is contingent upon his or her success at influencing legislation.

Votes on Final Passage:

Senate	46	0
House	95	0

Effective: July 26, 1987

SSB 5944

FULL VETO

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Sellar and Newhouse)

Revising provisions on continuing education for certified public accountants.

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

Background: Persons holding a certificate of "certified public accountant" issued by the State Board of Accountancy are required to complete 80 hours of continuing professional education every two years to maintain their certificates.

Summary: The continuing education requirement for certified public accountants is eliminated. Persons holding a valid certified public accountant certificate may use the title of "certified public accountant" or "CPA" if their activities do not require a CPA license.

Votes on Final Passage:

Senate	48	0
House	98	0

FULL VETO: (See VETO MESSAGE)

SB 5948

C 318 L 87

By Senators Bottiger and Newhouse

Revising permissible interest rates on retail installment contracts for the purchase of motor vehicles.

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

Background: Retail purchases using installment credit may be made under a retail installment contract. It is generally entered into for the purchase of a single item or group of items with an established term for completing payments. Additional purchases may not be added to the contract without the making of a new contract. The maximum interest rate which may be charged on a retail installment contract is determined by calculating the average of four quarterly auctions of twenty-six week treasury bills for the year prior to the year in which the contract is made. The maximum interest rate is six percentage points over the average. The rate stays the same for an entire year.

Summary: The maximum interest rate that may be charged on a retail installment contract for the purchase of a motor vehicle is based on the auction of twenty-six week treasury bills in the quarter prior to the quarter in which the contract is made. The maximum interest rate is six percentage points over the treasury bill rate for the prior quarter.

A motor vehicle is defined as any device capable of being moved on a public highway and by which any person or property may be transported. A motor vehicle does not include devices moved by human or animal power or used upon stationary rails or tracks.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate	38	0	(Senate concurred)

Effective: January 1, 1988

SB 5955

C 32 L 87

By Senators McDermott, Talmadge, Fleming, Warnke, Rinehart, Moore, Bender and Garrett

Authorizing city, county, and state ownership of professional sports franchises.

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

Background: A professional sports franchise draws many visitors to the area where it is located. In addition, it is a factor that some businesses consider when deciding where to locate a facility. Some professional sports franchises have moved their locations in recent years. These moves have resulted in a loss of income as well as prestige to the former host areas.

There is no existing authority for a city, code city, or county to own and operate a professional sports franchise.

Summary: Any city, code city, or county may own and operate an existing professional sports franchise, either individually or collectively, when the owners of such a franchise announce their intention to sell or move a franchise.

If a city, code city, or county purchases a professional sports franchise, then a public corporation must be created to manage and operate the franchise. The public corporation would have the same powers as other public corporations created by cities and counties. These powers include the right to sue and be sued, to enter into contracts, and own real and personal property. Such powers do not include the right of eminent domain, the power to levy taxes, or the power to levy special assessments.

Votes on Final Passage:

Senate	30	19
House	60	36

Effective: April 10, 1987

SB 5956

FULL VETO

By Senators West, Stratton, Warnke and Bauer

Authorizing counties bordering Idaho to impose an excise tax on nonresidents working in Washington state.

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

Background: For the last four years, Idaho has assessed state income tax on Washington residents who work for Burlington–Northern railroad and travel through Idaho. The employees are still involved in court proceedings to stop payment of the income tax. More recently, Idaho also began assessing income tax on truckers who pass through Idaho.

A retaliatory county taxing measure of Idaho residents employed in Washington is proposed.

Summary: Counties bordering Idaho may impose an excise tax for use of county services on Idaho residents who are employed in Washington counties.

Votes on Final Passage:

Senate	47	0
House	83	10

FULL VETO: (See VETO MESSAGE)

SB 5972

C 269 L 87

By Senators Bottiger and Newhouse

Limiting liability of persons involved in professional peer review bodies for health care professionals.

Senate Committee on Judiciary
House Committee on Judiciary

Background: Physician peer review committees are panels which review the competence and professional conduct of doctors. A physician who is disciplined by a peer review committee often brings a lawsuit against the board claiming the decision was an attempt to decrease competition and a violation of antitrust laws.

In 1986 Congress enacted a statute which provides antitrust immunity for decisions of physician peer review committees that attempt in good faith to discover and discipline incompetent physicians. This statute does not take effect in Washington until October 14, 1989, unless state law provides otherwise.

Summary: Provisions of the federal law on physician peer review are applicable to the state of Washington.

Remedies are set forth for peer review decisions of health care professionals based on matters not related to competence or professional conduct. The remedies are: injunctive relief (reinstatement) and the recovery of lost earnings incurred between the date of the peer review decision and the date the action is reversed. The prevailing party is allowed to recover reasonable attorneys' fees and costs.

Information obtained by a peer review committee is admissible into evidence in a civil action if it is a medical record required by regulation of DSHS.

Health care information is discoverable unless it is currently under review or has been evaluated by a peer review committee.

Votes on Final Passage:

Senate	49	0	
House	98	0	(House amended)
Senate	36	0	(Senate concurred)

Effective: July 26, 1987

SB 5976

C 233 L 87

By Senators Hansen and Barr

Changing provisions relating to livestock liens.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: An agister is one who takes in horses or other animals and cares for them at a specific rate. Currently the law allows for an agister lien against the animals for the cost of caring for them. The law sets forth the procedure for foreclosing the lien and the sale of the animals for satisfaction of the debt.

The agister lien has not been enforced because of constitutional problems with the foreclosure provisions, including the lack of an opportunity for a hearing to contest the foreclosures.

Summary: An agister lien on horses, mules, cattle and sheep attaches on the date the cost of caring for the animal becomes due and payable. The lien will expire unless it is enforced within 60 days after attachment.

Those allowed to have an agister lien specifically include a veterinarian, and a person or entity entrusted with the care of animals removed from owners pursuant to the animal abuse statute. A person having an agister lien may enforce it through a court of competent jurisdiction.

Votes on Final Passage:

Senate	49	0	
House	98	0	(House amended)
Senate	38	0	(Senate concurred)

Effective: July 26, 1987

SSB 5977

C 279 L 87

By Committee on Education (originally sponsored by Senators Gaspard and Patterson)

Providing for a plan for implementing a state educational telecommunications network.

Senate Committee on Education
House Committee on Higher Education

Background: A number of activities are underway or are being developed relating to the use of telecommunications technology in common school and higher education in the state. It is suggested that coordinating these activities may increase the benefits to the state's public education system.

Summary: The Superintendent of Public Instruction and the Higher Education Coordinating Board will develop a model plan for implementing a state educational telecommunications network and make recommendations to the Legislature by June 30, 1989.

The plan must address the needs of common school and higher education in the state education system and provide coordination of existing and proposed telecommunications programs, projects, and activities.

Appropriation: $49,500 for the Superintendent of Public Instruction.

Votes on Final Passage:

Senate	45	2	
House	94	2	(House amended)
Senate			(Senate refused to concur)
House	96	1	(House receded)

Effective: July 26, 1987

SSB 5978

C 334 L 87

By Committee on Parks & Ecology (originally sponsored by Senators Bottiger, Kreidler and Vognild)

Prohibiting the use of tributyltin in paints.

Senate Committee on Parks & Ecology
House Committee on Environmental Affairs

Background: Tributyltins (TBT) have been called the most toxic compounds ever deliberately introduced into natural waters. A growing body of research indicates that TBT may seriously affect nontarget organisms such as shrimp, clams, and oysters and have unknown effects on humans who eat marine organisms containing TBT.

TBT is added to paints and applied to boat and ship hulls to retard the growth of fouling organisms such as barnacles, tubeworms, algae, etc. These organisms increase hull friction and weight, causing increased fuel consumption.

Several countries including France, England and Japan have placed partial bans on TBT usage. The Environmental Protection Agency is conducting a special review to assess the toxicity of TBT.

Summary: The use and/or sale of tributyltin, or any of its derivatives, in marine anti-fouling paints is banned as of April 1, 1988.

Marine anti-fouling paints having a TBT rate-of-release standard of not more than five micrograms per square centimeter per day are exempt when applied: (a) to aluminum vessels; and (b) to outboard motors from spray cans.

This act will expire upon the Environmental Protection Agency's adoption of rules relating to TBT-based marine anti-fouling paints.

Votes on Final Passage:

Senate	44	0	
House	92	3	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate concurred in part)
House			(House receded in part)
House	96	0	
Senate	47	0	

Effective: April 1, 1988

2SSB 5986

C 479 L 87

By Committee on Ways & Means (originally sponsored by Senators Conner, Kreidler, Johnson, Bauer, Garrett, Peterson, DeJarnatt, Bottiger, Metcalf, Wojahn and Craswell)

Studying methods of oil spill damage assessment.

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

Background: Puget Sound currently ranks fourth in the nation for loading (bunkering) and refueling oil in ships. Three major oil spills have occurred in the past three years: the SS Mobil Oil near the mouth of the Columbia in March 1984; a spill of unknown origin on the shores of Whidbey Island in December 1985; and the grounding of the Arco Anchorage in December 1985. The oil spill response, clean–up, and damage assessment procedures used at the Port Angeles spill have raised several issues concerning the effectiveness of those procedures.

As a result, the Legislature established the Oil Spill Advisory Committee in 1986 to make recommendations for improved oil spill response and clean–up procedures.

Summary: The College of Ocean and Fishery Sciences at the University of Washington will study the state's damage assessment methodology for oil spills. This study shall include an evaluation of Alaska's damage assessment methodology, a survey of other states' damage assessment methodology, and if deemed appropriate, the College will develop a new oil spill damage assessment methodology.

All facilities conducting refueling or bunkering operations are required to have containment and recovery equipment readily available by June 30, 1988. Persons deploying such equipment will be trained in the use of that equipment.

The Department of Community Development will develop a model oil spill contingency plan to be incorporated in state and local emergency management plans.

Votes on Final Passage:

Senate	32	13	
House	98	0	(House amended)
Senate	40	9	(Senate concurred)

Effective: July 26, 1987

2SSB 5993

C 343 L 87

By Committee on Ways & Means (originally sponsored by Senator Hansen)

Providing for the 1987 drought.

Senate Committee on Agriculture and Committee on Ways & Means
House Committee on Ways & Means

Background: Eastern Washington farmers and ranchers rely on the snow pack and storage of water over the winter months to supply them with the water they need for irrigation and stock watering over the summer months and the growing season.

In 1986, the snow water content and the total precipitation in eastern Washington were far below normal. The most recent statistics show that the water carryover in storage from 1986 is approximately 40 percent of normal. If the amount of precipitation does not dramatically increase in the near future, it is believed the conditions this summer may mirror the drought of 1977.

In anticipation of a water short year in 1977, the Legislature passed a temporary emergency water withdrawal and facilities bill. This bill gave the Department of Ecology authority to take extraordinary action to withdraw and distribute water in the most economical and fair manner for any beneficial use, and to improve or replace water supply facilities. The 1977 legislation was funded by authorizing the sale of $18 million in general obligation bonds. The proceeds from these bonds were placed in an emergency projects water account for use by the Department of Ecology.

Summary: The Department of Ecology is given emergency powers to authorize the withdrawal of public waters on a temporary basis and the construction of facilities to alleviate possible emergency water supply conditions during 1987.

The Department may issue permits to withdraw water until October 31, 1987: (1) for beneficial use of a previously established activity, (2) for rights not exercisable because of the drought, and (3) if the withdrawal does not reduce flows below the amount to maintain fish requirements.

The processing of permits from other state agencies for emergency projects is to be expedited, and as in the 1977 legislation, the public bidding requirements are waived.

The Department of Ecology shall be provided with short-term easements over specific state or public land. The temporary powers granted to the Department have no effect on existing water rights and shall not establish permanent rights to water.

The Department of Ecology may make loans, grants or a combination of loans and grants to alleviate the emergency supply conditions.

A water right may be changed temporarily to allow transfer or lease of water between willing parties for the purpose of responding to the water supply conditions.

Funding is from monies remaining in the emergency water projects account.

Appropriation: Up to $4 million from existing emergency water projects revolving account.

Votes on Final Passage:

Senate	46	0
House	97	0

Effective: May 12, 1987

SB 5996

C 492 L 87

By Senators McDermott, Johnson, Fleming, Bailey, Gaspard and Wojahn

Establishing the Washington vocational technology center.

Senate Committee on Education and Committee on Ways & Means
House Committee on Higher Education
House Committee on Ways & Means/Appropriations

Background: Last year the Seattle Opportunities Industrialization Center (SOIC), a community-based vocational training center, filed for protection from creditors under federal bankruptcy laws. The major asset of SOIC is a seven-story building in Seattle's Central Area which was designed for vocational and technical skills training.

The state's vocational education system consists of the secondary schools, which provide on-campus programs or operate skills centers or vocational-technical institutes in some districts, and the community colleges, which primarily provide adult vocational instruction. Businesses involved in technological industries have expressed interest in the development and management of a vocational technology center in Seattle.

Summary: The Governor is authorized to form a public nonprofit corporation to establish a vocational technical center in Seattle. The Governor appoints a board of fifteen directors for staggered six-year terms. Nine members represent the business community. Three members represent the Sixth Community College District and three members represent the Seattle School District.

The corporation may acquire and transfer real and personal property by lease, purchase or sale. The corporation may receive gifts of property and construct vocational technical facilities, if funds are appropriated. The center shall be named the Washington Institute of Applied Technology. The corporation will maintain, operate, promote, and manage the vocational technology center. The corporation is exempt from public personnel laws to allow flexibility in its personnel policies.

The board of directors has full authority and responsibility for management, policy decisions, curriculum development, and resource allocation involving the center. The board may employ a director for the center who serves at its pleasure. Cooperation with the community college district and the Seattle School District is required regarding operating functions and administrative services. An agreement on the governance and operation of the center is to be negotiated by the three entities within 45 days after the effective date.

Citizen members of the board of directors may be compensated up to $100 for each day a director attends an official meeting or performs other official tasks. Directors will also be reimbursed for travel expenses.

Votes on Final Passage:

Senate	28	20	
House	59	37	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate refused to concur)
House	50	47	(House receded)

Effective: May 19, 1987

SB 6003

C 491 L 87

By Senator Hansen

Changing provisions relating to nonrelinquishment of water rights.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: The federal Reclamation Act of 1902 requires the U.S. Department of Interior to secure water permits from a state for reclamation projects located in the state. The Legislature has established by law a system designed specifically for processing water permit applications for federal reclamation projects. Under this system, water has been set aside from appropriation for the second half of the Columbia Basin Project until December 14, 1989. If the project is not constructed, the waters will be subject to appropriation by others.

Summary: Water currently set aside from the state's water appropriation process during reclamation studies associated with the Columbia Basin Project shall continue to be set aside, without need for periodic renewal, until the project is declared completed or abandoned by the United States.

Votes on Final Passage:

Senate	47	0	
House	83	12	(House amended)
Senate	38	0	(Senate concurred)

Effective: July 26, 1987

SSB 6010

FULL VETO

By Committee on Agriculture (originally sponsored by Senators Kreidler and Hansen)

Providing for the disposal of hazardous waste pesticides.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: The Department of Ecology appointed a study group on agricultural hazardous waste. Currently, farmers have no appropriate economically feasible means of legally disposing of small amounts of hazardous wastes, including canceled or restricted pesticides.

The Department of Ecology cannot transfer hazardous waste from the farm to the collection site, unless a farmer has a farmer-generator number. The Department of Agriculture does, however, have authority over pesticides (use and disposal). The study group recommended that the Department of Agriculture take over the supervisory role regarding transportation of unusable farm pesticides to a collection site for inspection and disposal.

Summary: The Legislature intends that canceled or unusable pesticides held by farmers be properly disposed. The Department of Agriculture, which currently regulates the registration and application of pesticides, shall administer a pesticide disposal program.

The Director of Agriculture may adopt rules to allow the Department to take possession and dispose of canceled, suspended or otherwise unusable pesticides held by persons regulated under the Washington Pesticide Application Act.

The Department may become licensed as a hazardous waste generator.

The Director of Agriculture shall develop and implement a pesticide waste disposal program. Aspects of the program shall include the collection site, liability, insurance, transportation, licensure and regulatory compliance, volume of material to be disposed, education, container disposal, and analysis of unknown substances.

The Director shall report to the Legislature by January 1, 1988 on the program.

Votes on Final Passage:

Senate	47	0	
House	98	0	(House amended)
Senate	38	0	(Senate concurred)

FULL VETO: (See VETO MESSAGE)

SB 6012

C 277 L 87

By Senators McCaslin and Tanner

Revising provisions relating to indecent exposure.

Senate Committee on Judiciary
House Committee on Judiciary

Background: A 1983 Washington Court of Appeals decision held that, under the current statute, an exposure of one's person must occur in a public place to constitute the crime of public indecency. It remains doubtful whether an individual can be convicted of

public indecency where the offense occurs in a private place.

Summary: The crime of public indecency is renamed as the crime of indecent exposure. For a person to be guilty of the crime of indecent exposure, the exposure must be made intentionally.

A police officer with probable cause to believe that a person has committed or is committing an act of indecent exposure may arrest that person without a warrant.

Votes on Final Passage:

Senate	49	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	96	0	
Senate	46	0	

Effective: July 26, 1987

SSB 6013

C 329 L 87

By Committee on Human Services & Corrections (originally sponsored by Senators Kreidler and Wojahn)

Establishing the office of child care resources.

Senate Committee on Human Services & Corrections
House Committee on Human Services

Background: Although child care is licensed in the state, no central data bank exists to provide information about the availability of child care resources. The number of women with young children in the workforce is expanding rapidly, creating a need for information about child care. A need also exists for expansion of child care resources and for assistance to businesses wishing to benefit from adequate child care resources for their employees.

Summary: The Department of Social and Health Services is required to appoint a child care resource coordinator. The coordinator is responsible for administration of available grants to local communities for use in information and referral systems and for the creation of a data bank from which local systems can obtain data about licensed child care.

The office of child care resources will create a business outreach program and provide technical assistance to child care providers. The coordinator will recommend statutory and administrative changes to the Department of Trade and Economic Development and the Legislature to encourage employer-provided assistance for child care. Active pursuit of information about the availability of child care grants for providers, businesses and state agencies is also required.

Votes on Final Passage:

Senate	39	9	
House	95	0	(House amended)
Senate	33	5	(Senate concurred)

Effective: July 26, 1987

SSB 6016

PARTIAL VETO

C 9 L 87 E1

By Committee on Transportation (originally sponsored by Senator Peterson)

Revising transportation-related fees and taxes.

Senate Committee on Transportation
House Committee on Transportation

Background: Revenue projections indicate shortfalls for the Washington State Patrol, the Marine Division of the Washington State Department of Transportation and the Driver Services Division of the Department of Licensing.

The shortfall in the Washington State Patrol is in the State Patrol Highway Account within the Motor Vehicle Fund (MVF). This account is funded by motor vehicle registration fees—$15.60 of the $23.00 for new registrations and $15.60 of the $19.00 renewal fee.

Revenue sources for the Marine Division include the Puget Sound Ferry Operations Account (PSFOA) within the MVF, ferry fares and miscellaneous revenues. 27.3 percent of the motor vehicle registration fees and 3.21 percent of the 17-cent motor vehicle fuel tax are deposited in the PSFOA.

The shortfall for the Driver Services Division of the Department of Licensing is in the Highway Safety Fund. Revenue sources include $10.20 of the $14.00 license fee and the $3.50 charge for copies of record.

Summary: Vehicle registration fees are increased $4.75 to fund the State Patrol.

The fee for copies of drivers license abstracts is increased $1.00 (from $3.50 to $4.50).

The Marine Division of the Department of Transportation is funded, as follows: (a) 0.1 percent increase in MVET effective for 1988 and 1989; (b) the unmatched portion of the local transit MVET is transferred to the Puget Sound Ferry Operations

Account beginning January 1, 1990; and (c) diesel fuel used by ferries is exempt from the sales tax.

Votes on Final Passage:

First Special Session			
Senate	25	20	
House	46	38	(Failed)
House	50	42	(Reconsideration)

Effective: July 1, 1987

Partial Veto Summary: The veto eliminated the transfer of the unmatched portion of the local transit MVET to the Puget Sound Ferry Operating Account beginning January 1, 1990. Also, the exemption of diesel fuel used by the ferries from the sales tax was vetoed. (See VETO MESSAGE)

SSB 6023

C 289 L 87

By Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Fleming and Newhouse)

Authorizing port districts to mortgage industrial development facilities, including agricultural facilities.

Senate Committee on Agriculture
House Committee on Trade & Economic Development

Background: Port districts may be established in counties for construction and maintenance of commercial facilities and industrial improvements. Port districts may also establish industrial development districts. Through specific authority granted under the port district statutes, or general authority under the Industrial Development Revenue Bonds Act, port districts may contract debt and issue bonds to finance industrial facilities.

Port districts have utilized the Industrial Development Revenue Bonds Act to issue revenue bonds because a provision of the Act allows bonds to be secured by mortgaging or encumbering facilities. However, under their specific statutory authority, the districts cannot mortgage or encumber facilities to secure payment of bonds.

Revenue bonds sold through the Industrial Development Revenue Bonds Act must be tax exempt. Because of the 1986 federal Tax Reform Act, revenue bonds issued for the purposes of the port districts will no longer be tax exempt. Therefore, port districts can no longer use the Industrial Development Revenue Bonds Act to sell revenue bonds.

Summary: A port district has the authority to mortgage or otherwise encumber an industrial facility to secure payment of bonds sold to finance that facility.

The port property and facilities which port districts can finance through revenue bonds specifically includes facilities for freezing or processing agricultural products.

Votes on Final Passage:

Senate	42	1	
House	93	0	(House amended)
Senate	37	1	(Senate concurred)

Effective: July 26, 1987

SSB 6033

C 495 L 87

By Committee on Ways & Means (originally sponsored by Senators Newhouse, Hansen, Benitz and Deccio)

Exempting from business and occupation tax wholesale sales of hops for shipment out of state.

Senate Committee on Ways & Means
House Committee on Ways & Means/Revenue

Background: Under long standing Department of Revenue practice, Business and Occupation taxes were levied on hop brokers and dealers on the value of the warehousing services and the charges for processing hops sold out of state. Recent changes in this practice now make such brokers or dealers subject to Business and Occupation taxes on wholesaling functions and on the full value of hops processed under the "manufacturing–other" rate.

Summary: Amounts received by hop brokers and dealers for hops sold for first use out of state are exempt from the business and occupation tax only if the hops have first been processed in this state. Amounts received for raw hops are not exempt.

Votes on Final Passage:

Senate	41	0	
House	93	3	(House amended)
Senate	45	0	(Senate concurred)

Effective: May 19, 1987

SB 6038

C 41 L 87

By Senators Wojahn, Kiskaddon, Kreidler, Deccio and Tanner

Permitting medicare-approved dialysis centers to dispense certain legend drugs.

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

Background: Washington has approximately 800 citizens currently utilizing home kidney dialysis machines. The process requires that four drugs be placed into the machine by the patient before each use. These drugs are stored at the dialysis center and delivered to the patient's home in one month supplies. This practice of delivering drugs directly to dialysis patients at their homes is long standing, but in technical violation of the law, which requires a pharmacist to dispense all drugs.

Summary: Dialysis centers are allowed to sell, deliver, possess or dispense drugs to dialysis patients if such drugs are prescribed by a physician and are authorized by the Pharmacy Board in WAC.

Votes on Final Passage:

Senate	45	0
House	86	0

Effective: July 26, 1987

SSB 6048

PARTIAL VETO

C 212 L 87

By Committee on Judiciary (originally sponsored by Senators Talmadge, Nelson, Newhouse, McCaslin, Moore and Bottiger)

Revising provisions on civil actions and liabilities.

Senate Committee on Judiciary
House Committee on Judiciary

Background: In 1986 the Legislature made substantial changes to tort law to create what the Legislature felt was a more equitable distribution of the cost and risk of injury and increase the availability and affordability of insurance.

There are many areas of tort law that people argue need to be adjusted or reformed further. The Tort Reform Act of 1986 was reviewed by a task force appointed by the Insurance Commissioner. The task force recommended that several changes be made.

Summary: Mandatory Arbitration: As of July 1, 1988, the mandatory arbitration ceiling for cases in superior court in counties which have authorized arbitration is increased from $10,000 to $15,000. If two-thirds of the superior court judges in the county vote to increase the ceiling, the arbitration ceiling can be increased up to $35,000 from the present $25,000 level. The minimum qualifications for arbitrators are established.

The statute which requires counties to have implemented a mandatory arbitration program to obtain additional superior court judicial positions is repealed.

Frivolous Lawsuits: The frivolous lawsuit statute is clarified to carry out its purpose and intent. A court may determine if an action was frivolous and advanced without reasonable cause upon either a pre-trial or post-trial motion by the prevailing party.

Release of Patients in Mental Health System: The state, a unit of local government, and evaluation and treatment facilities are not civilly or criminally liable for the good faith release of persons held under the Involuntary Treatment Act, Chapter 71.05 RCW, if the release was done without gross negligence.

Immunity For Elected and Appointed Officials: Appointed or elected officials and members of the governing body of a public agency are immune from liability for discretionary decisions performed within the course of their official duties. Liability remains on the public agency for the tortious conduct of its officials.

Volunteer Firemen, Policemen and EMT: Noncompensated part-time and on-call volunteers, such as firefighters, policemen and emergency response organizations, who provide emergency care at the scene of an emergency are not civilly liable for their acts or omissions unless such acts or omissions are grossly negligent.

Feasibility Study on Excess Insurance: The State Risk Manager is to conduct or contract for a feasibility study on the costs and benefits of the State of Washington providing excess liability and property insurance to political subdivisions of the state.

Corporate Directors Liability: Statutes on profit and nonprofit corporations, nonprofit cooperatives, and nonprofit associations are amended to allow the articles of incorporation to include a provision eliminating or limiting the personal liability of a director for damages caused by an action taken by the director in good faith. Such provisions may not limit a director's liability for acts involving intentional misconduct, such as a knowing violation of the law or a knowing breach of the director's fiduciary duty to the corporation.

Consortium: The contributory fault of a decedent is imputed to a claimant in an action for loss of consortium.

Liability For Design Professionals: The liability of design professionals for injuries to employees of subcontractors is limited by statute. Liability remains for design professionals if responsibility for safety practices is assumed by contract or if the design professional exercised control over the work area.

Limitation of Actions—Felony: The existing statute is clarified regarding the commission of a felony and its relationship to the injury suffered. It is a defense to an action for personal injury if the person was engaged in a felony that was a proximate cause of the injury.

Intoxication Defense: A defense exists for a defendant where an intoxicated plaintiff attempts to recover damages for injuries incurred while intoxicated.

The existing statute is clarified regarding the relationship between the intoxication of a plaintiff and the occurrence which results in the plaintiff's injury. It is a defense in an action for personal injuries if: (1) the plaintiff was intoxicated; (2) the intoxication was a proximate cause of the injuries; and (3) the plaintiff was more than 50 percent at fault.

The Judicial Council: The Judicial Council is required to conduct studies on the following issues: (1) settlement conferences; (2) examination of jurors during the jury selection process; (3) appellate evaluation conferences; (4) discovery conferences; and (5) offers of settlement.

Health Care Limitations: The statute of limitations on actions relating to health care is clarified. A "window period" is established to ensure that minors do not have their actions for personal injuries eliminated because of the assumed knowledge of their parent.

Accelerated Waiver of the Physician–Patient Privilege: The requirement for an affirmative act to waive the privilege within 90 days of filing the action is deleted. The privilege is deemed to be waived 90 days after filing the lawsuit for personal injuries or wrongful death.

Attorney's Fees: A petition for determination of the reasonableness of attorney's fees in tort actions must be filed within 45 days of the final billing. The court is to review the terms of the fee agreement in making its determination of reasonableness.

Workers' Compensation Liens: The provisions of law relating to third–party actions by persons covered by workers' compensation statutes are modified when an employer or co–employee is at fault. The Department of Labor and Industries is to be notified of such a lawsuit and may intervene to protect its statutory interests.

Settlement Agreements: The terms of a settlement agreement, which must be reviewed by a court, must be reasonable and the burden of proof regarding reasonableness is on the person requesting the settlement.

Votes on Final Passage:

Senate	48	1	
House	94	1	(House amended)
Senate	37	1	(Senate concurred)

Effective: April 29, 1987 (Sections 401, 402, 701–710, 901, 1001, 1101, 1201, 1401, 1501, 1601, 1602)
July 26, 1987
July 1, 1988 (Sections 101 and 102)

Partial Veto Summary: The requirement that the Risk Manager conduct a feasibility study of liability insurance to be provided by the State of Washington to political subdivisions is vetoed. (See VETO MESSAGE)

SB 6053

PARTIAL VETO

C 508 L 87

By Senators Gaspard and Bauer

Changing powers of educational service district boards.

Senate Committee on Education
House Committee on Education

Background: Current state law does not authorize the boards of directors of educational service districts to enter into agreements longer than five years for the rental or lease of facilities. State law also prohibits ESD boards of directors from directly borrowing funds to acquire real or personal property necessary to the operation of the educational service district.

Summary: Educational service district boards of directors may enter into contracts for periods not exceeding 20 years to rent or lease building space, portable buildings, security systems, computers and other equipment.

The boards of directors for ESDs may directly borrow funds to contract for real and personal property necessary for the operation of the educational service district, subject to State Board of Education approval and conditions that the Board may establish.

Direct student service programs offered by educational service districts to school districts include pupil transportation for special education cooperatives. Subject to the consent of the participating school districts, the educational service district shall receive directly state apportionment funds for pupil transportation for special education programs.

Educational service districts receiving state funds for pupil transportation for special education programs will establish a separate vehicle transportation account in the ESD's general expense fund.

Votes on Final Passage:

Senate	42	6	
House	91	5	(House amended)
Senate	40	5	(Senate concurred)

Effective: July 26, 1987

Partial Veto Summary: The Governor's veto deletes the authority for educational service districts' boards of directors to directly borrow funds subject to State Board of Education approval. (See VETO MESSAGE)

SSB 6061

C 474 L 87

By Committee on Parks & Ecology (originally sponsored by Senator Nelson)

Relating to exempting certain community docks from the substantial development requirements of the shoreline management act.

Senate Committee on Parks & Ecology
House Committee on Environmental Affairs

Background: The Shoreline Management Act requires that for most developments over $2,500 in value within 200 feet of shorelines of the state a substantial development permit must be obtained. Such permits are issued by local governments having jurisdiction over the portion of the shoreline where the development is to occur, with appeal rights to the Shorelines Hearings Board. Exemption from the requirements of obtaining substantial development permits is provided for certain activities and uses, including construction of certain docks serving single family residences, the cost of which does not exceed $2,500.

Summary: The exemptions from the definition of "substantial development" in RCW 90.58.030 are amended to include community docks, as well as other docks, which cost $2,500 or less and serve single or multiple family residences.

Votes on Final Passage:

Senate	46	0
House	98	0

Effective: July 26, 1987

SSB 6064

C 483 L 87

By Committee on Ways & Means (originally sponsored by Senators McDermott and Deccio)

Changing provisions relating to the local excise tax on lodgings.

Senate Committee on Ways & Means
House Committee on Ways & Means

Background: Cities and counties are allowed to levy a special excise tax of up to 2 percent on hotels and motels. These tax revenues are to be used for constructing or operating stadium facilities, convention center facilities, performing arts center facilities, visual arts center facilities, or to pay for tourism promotion activities.

Revenues collected by the cities and counties imposing this tax are deducted from the state sales tax on hotels and motels within the city or county. For example, in King County the state sales tax of 6.5 percent on hotels and motels is split 4.5 percent for the state and 2.0 percent for the county.

Counties are not allowed to impose this tax within cities that also impose the tax. This is to prevent "double dipping." However, if a county is using the tax for debt service on bonds sold prior to June 26, 1975, then that county may impose the tax countywide. This occurs in two counties: King and Yakima. No city within these counties may impose the tax unless they are using the tax for debt service on bonds sold prior to June 26, 1975. Bellevue and the city of Yakima fall into this category.

The Yakima County bonds will be paid off in the 1990s. When the county tax revenue is no longer needed for debt service on these bonds, the county will no longer be allowed to levy the tax within cities that also impose the tax.

In 1986 the uses for which King County could use hotel/motel tax monies were limited. Taxes collected in excess of $5.3 million per year may only be used for art and cultural museums.

Tacoma and Pierce County desire additional tax revenues for marketing and promotion.

Summary: In addition to paying debt service on bonds issued prior to June 26, 1975, non-AA counties (i.e., Yakima County) may sell additional bonds and use any surplus tax revenues for county-owned facilities for agricultural promotion. If the new bonds and surplus money are used in this manner, then the county can continue to levy the tax within all cities in the county. Cities within the county are prohibited from

imposing the tax unless the money is used to pay debt service on bonds sold prior to June 26, 1975.

Taxes collected by King County in excess of $5.3 million per year may only be used for art museums, cultural museums, the arts, and/or the performing arts.

Pierce County and the cities in Pierce County may levy an additional 2 percent hotel/motel tax and the revenues therefrom must be spent for visitor and convention promotion and development. The additional tax is not a credit against the state sales tax.

Votes on Final Passage:

Senate	47	2	
House	76	15	(House amended)
Senate	36	11	(Senate concurred)

Effective: July 26, 1987

SB 6065

C 85 L 87

By Senator Nelson

Changing length of time collection agencies must preserve records.

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

Background: Collection agencies licensed under Chapter 19.16 RCW are required to keep accounting records, collections and payments for a period of six years from the last entry on an account.

Summary: The time period for which licensed collection agencies must keep records of payments and collections is reduced from six to four years.

Votes on Final Passage:

Senate	46	3
House	94	0

Effective: July 26, 1987

SSB 6076

PARTIAL VETO

C 10 L 87 E1

By Committee on Transportation (originally sponsored by Senator Peterson)

Adopting the 1987–89 transportation budget.

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: Biennial operating and capital appropriations are provided for all transportation agencies. Full funding is provided for the Washington State Patrol—Field Operations, the operating and capital budgets for the Marine Division of the Department of Transportation, and the Driver Licensing Division of the Department of Licensing.

Votes on Final Passage:

First Special Session

Senate	35	8	
House	78	16	(House amended)
Senate	38	4	(Senate concurred)

Effective: June 12, 1987

Partial Veto Summary: (See VETO MESSAGE)

SJM 8000

By Senators Halsan, Benitz, Stratton, Newhouse, Owen, Deccio and Barr

Requesting Congress review United States Forest Service designation of spotted owl habitat.

Senate Committee on Natural Resources
House Committee on Natural Resources

Background: In July 1986 the Forest Service issued a supplemental Environment Impact Statement on the consequences of the standards and guidelines for the management of northern spotted owl habitat.

The northern spotted owl is a medium–sized bird that lives in the mature and old–growth Douglas fir forests of the Pacific Northwest. Studies indicate that the population of northern spotted owls is approximately 2,800 pairs on all lands in Washington, Oregon and northern California. Studies also show that these owls rely on mature and old–growth forests for food, cover, nest sites and protection from predation. It is estimated that each pair of owls utilize between 6,000 and 8,000 acres of forest land.

The federal regulations implementing the National Forest Management Act of 1976 require the Forest Service to maintain viable populations of such existing species of wildlife. "Viable population" is defined as one which insures a well–distributed population continuing in existence.

The EIS indicates that total habitat available for the northern spotted owl will continue to decline as a

result of timber harvesting. The preferred alternative in the EIS recommends protecting options on 2,200 acres of habitat for each pair of spotted owls.

The Washington Department of Game classifies the northern spotted owl as a "threatened" species. The USFS has identified the species as "sensitive" and thus in need of special management.

Summary: In light of the economic and social effects of setting aside forest land, this memorial requests Congress to review the designation of spotted owl habitat by the Forest Service. Congress is asked to assure that economic and employment needs of rural communities are evaluated before any land is withdrawn from consideration for timber harvest. This memorial asks for a balanced look at Forest Service programs.

Votes on Final Passage:

Senate	44	5
House	68	28

SJM 8005

By Senators Williams, Smitherman, Benitz, Owen, Stratton, Nelson, Tanner, Bauer, Rasmussen, Zimmerman, Saling and McCaslin

Petitioning Congress and the President to prohibit the sale of BPA.

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

Background: The Bonneville Power Administration is a federal agency that markets and transmits electricity produced by hydroelectric projects in the Pacific Northwest. Nearly half of the electricity produced in the region is marketed by BPA.

The Reagan Administration has proposed to sell, or "privatize," BPA for $8.85 billion, which is the amount of the outstanding debt owed by BPA to the federal treasury. As an alternative, the Administration has proposed raising BPA's annual debt service payments. The proposals were rejected by Congress in 1986 but have been renewed in 1987.

Summary: Congress is urged to reject again the proposal to sell the Bonneville Power Administration or increase its debt obligation.

Votes on Final Passage:

Senate	45	0
House	95	1

SJM 8006

By Senators Hansen, Patterson, Garrett, DeJarnatt, Bender, Tanner, Nelson, West and Smitherman

Petitioning the United States Department of Transportation to develop guidelines for implementing the Motor Carrier Safety Act.

Senate Committee on Transportation
House Committee on Transportation

Background: The Federal Commercial Motor Vehicle Safety Act of 1986 established national minimum standards which include: testing and licensing of commercial drivers; requiring commercial truck drivers to have a single classified license and driving record; and directing the Secretary of the U.S. Department of Transportation to establish a central license information center.

Rule–making authority was granted to the U.S. Secretary of Transportation for implementation of these new programs. The rules apply to all inter– and intrastate drivers of commercial vehicles. A commercial motor vehicle is defined as any vehicle used in commerce to transport property or passengers which (1) has a gross vehicle weight of more than 26,000 pounds, (2) is designed to carry 15 passengers, including the driver; or (3) is designed to transport hazardous materials.

The Act provided grant programs to assist states in developing and implementing the new federal standards. Federal sanctions may be imposed on noncomplying states after September 30, 1993.

Various effective dates are provided in the Act with full implementation in 1993.

Summary: The Secretary of the United States Department of Transportation is urged to establish: (1) rules for implementing the various concepts contained in the Federal Motor Carrier Safety Act of 1986, and (2) the appropriate blood alcohol content for DWI at 0.10 percent to conform to the standard used in Washington and many other states.

Votes on Final Passage:

Senate	45	1
House	92	0

SJM 8008

By Senators Conner, Anderson, Metcalf, Vognild, Kreidler, Tanner, Smitherman, DeJarnatt, Talmadge, Garrett, Peterson and Moore

Requesting funding for a comprehensive oil spill program.

Senate Committee on Parks & Ecology
House Committee on Environmental Affairs

Background: Puget Sound currently ranks fourth in the nation in refueling ships. Oil spills resulting from this activity have raised questions concerning local government's ability to adequately respond to the spills. The Oil Spill Advisory Committee, legislatively formed last year, recommended that Congress fund a comprehensive oil spill liability and compensation program to aid local government.

Summary: Congress is requested to direct the U.S. Coast Guard to: (1) authorize federal funds for an oil spill response and reimbursement program; (2) make pollution prevention and regulation a higher priority; (3) increase monitoring of pollution prevention; (4) develop oil spill contingency plans and joint training exercises with federal, state and local governments, the private sector and Indian tribes; (5) designate and control areas where vessels anchor; and (6) develop a working relationship with the appropriate state agencies.

In the event that these requests are not implemented, the following requests to Congress are made: (1) the Department of Ecology shall be directed to develop a program for monitoring fuel transfers; and (2) the state Attorney General's office shall be given authority to board vessels.

Votes on Final Passage:

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

SJM 8016

By Senator Hansen

Requesting the strengthening of the Farm Credit System to assist Washington farmers.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: The farming community in the State of Washington is experiencing a financial credit problem. The Farm Credit System has had an increase in delinquencies and a decrease in surplus capital. The Farmer's Home Administration has received an allocation which cuts deeply into available credit for direct insured loans to farmers and only increases sources to guarantee loans, which farmers must receive from commercial lenders. The consistent and reliable availability of credit through these institutions is essential to the state's farming community.

Summary: Based on the financial condition of the farming community in this state and the lack of available credit through the lending institutions, the United States Congress is requested to take appropriate action to assure the stability and survival of the Farmer's Home Administration and the Farm Credit System, and to take those steps necessary to increase the availability of credit through these institutions for the Washington State farmers.

Votes on Final Passage:

Senate	47	0
House	97	0

SJM 8017

By Senators Hayner, Patterson, Newhouse, Zimmerman, Hansen, Benitz, Saling, Stratton, Bottiger, Barr, Rasmussen, McCaslin, Conner and Bauer

Requesting Veterans Affairs Medical Center in Walla Walla remain full service center.

Background: The Veterans Affairs Medical Center, located in Walla Walla, Washington, has provided quality medical inpatient care, surgical and psychiatric services, and alcohol abuse treatment, for the past 50 years, to citizens of the State of Washington who are veterans of the armed services.

In December 1986 the Veterans Affairs Administration proposed to downgrade the mission of the Veterans Affairs Medical Center, Walla Walla, Washington.

Summary: Your Memorialists respectfully pray that the United States Congress retain the status of the Veterans Affairs Medical Center, Walla Walla, Washington, as a functional medical hospital which provides inpatient and outpatient medical care, surgical services, psychiatric services, and drug treatment.

Votes on Final Passage:

Senate	48	0
House	97	0

SJR 8207

By Senators Newhouse, Talmadge, Benitz and Deccio

Revising provisions relating to judges pro tempore.

Senate Committee on Judiciary
House Committee on Judiciary

Background: Currently, in order for a judge pro tempore to preside over a case in superior court, he or she must be agreed upon in writing by the parties or the attorneys for the parties. It is proposed that Article IV, Section 7 of the Washington State Constitution be amended such that when parties have previously agreed that a particular judge may hear an ongoing case, that judge should not be barred from continuing to hear the case as a judge pro tempore because he or she retires. Concern exists that to require a substitution of judges would result in disruption of the trial process, delay and lengthening of the trial itself.

Summary: A superior court judge who retires during a pending case in which the judge has made discretionary rulings, may continue to hear the pending case as a pro tempore judge without the written agreement of the parties or their attorneys of record.

This proposed constitutional amendment, allowing retiring judges to hear pending cases, is to be submitted to Washington State voters for their approval and ratification, or rejection, at the next general election.

Votes on Final Passage:

Senate	45	2
House	92	3

SJR 8212

By Senators Gaspard, Patterson, Rinehart and Saling

Authorizing the investment of public land permanent funds.

Senate Committee on Education
House Committee on Higher Education
House Committee on Ways & Means

Background: Income from lands set aside by Washington's Enabling Act or the State Constitution is credited to five funds established within the State Treasury. The funds include: Agricultural College Permanent Fund (Fund No. 601), Normal School Permanent Fund (Fund No. 604), Permanent Common School Fund (Fund No. 605), Scientific School Permanent Fund (Fund No. 606), and University Permanent Fund (Fund No. 607).

In November 1966 SJR 22 was adopted to amend Article XVI, Section 5 of the State Constitution and allow investment of funds in the Permanent Common School Fund in any manner allowed by law. This effectively allows balances in this fund to be invested in equity instruments such as stocks, thus diversifying investment capability of these moneys and potentially improving the long-term return to this fund. The remaining permanent accounts still can be invested only in specified fixed security instruments (such as national, state, county, municipal or school district bonds). The June 30, 1986 market value of these permanent funds was:

Agriculture College	$44.5 million
Normal School	$90.7 million
Scientific School	$57.2 million
University	$ 7.4 million

Summary: An amendment to the State Constitution is placed before voters at the next general election to allow income from the Agricultural College Permanent Fund, Normal School Permanent Fund, Scientific School Permanent Fund and University Permanent Fund to be invested in any manner authorized by law.

Votes on Final Passage:

Senate	45	2
House	97	1

SCR 8404

By Senators Garrett, Johnson, Peterson, Wojahn, Lee, Tanner, Warnke, Williams, Conner and Kiskaddon; by request of Joint Select Committee on Disability Employment and Economic Participation

Requiring a report to the governor and legislative committees on the progress made in implementing recommendations of the joint select committee on disability employment and economic participation.

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

Background: The Joint Select Committee on Disability Employment and Economic Participation (JSCDEEP) held hearings with state agencies that administer disability programs and with members of the business community. Several of the JSCDEEP recommendations resulted in proposed legislation and many involved directives to agencies. The JSCDEEP established a mechanism for monitoring the many recommendations.

Summary: The Governor's Committee on Disability Issues and Employment and the Developmental Disabilities Planning Council must monitor the implementation of the JSCDEEP recommendations. They

shall report to the Governor and Commerce and Labor Committees and Ways and Means Committees of the Senate and the House of Representatives.

Votes on Final Passage:

Senate	45	0
House	95	0

SCR 8408

By Senators DeJarnatt, Patterson and Hansen

Reducing duplication in trucking regulations and enforcement.

Senate Committee on Transportation
House Committee on Transportation

Background: During the 1986 interim, the Joint Subcommittee on Truck Safety Enforcement, composed of 13 members of the House and Senate Transportation Committees, examined the roles of various state agencies charged with truck safety enforcement. The study was initiated to determine if there is overlapping jurisdictional authority.

The Commercial Vehicle Enforcement Section of the Washington State Patrol (WSP) operates the ports of entry and scale houses, and is responsible for weight control and permit enforcement (vehicle license and fuel trip permits, oversize/overweight permits). The Department of Transportation is the policy agency for issuance of oversize/overweight permits. Permits may be obtained from the Department, its regional offices or agents, and the WSP. The Utilities and Transportation Commission (UTC) has both safety and economic rule-making and enforcement authority over for-hire carriers.

The Patrol and UTC are authorized to conduct truck safety inspections (equipment, log books, driver qualifications, etc.). The UTC's authority is limited to common/contract (for-hire) carriers and primarily consists of terminal surveys, although port of entry, scale house and on-highway inspections are randomly conducted. The Patrol is authorized to inspect any carrier and conducts port of entry, scale house and roadside inspections.

The Joint Committee concluded that prior to taking legislative action, there is a need to further explore the possibility of reducing duplication through the execution of interagency agreements.

Summary: The Washington State Patrol, Utilities and Transportation Commission and Department of Transportation are instructed to develop and implement programs to reduce duplication and consolidate truck safety functions. The programs are to be implemented through interagency agreements. The affected agencies are required to collectively provide the Legislative Transportation Committee with (1) periodic reports on their progress, and (2) a final report by December 1987 which includes any legislative recommendations for further program changes.

Votes on Final Passage:

Senate	36	0
House	92	0

SCR 8413

By Senators Metcalf, Warnke, Vognild and Nelson

Establishing the joint select committee on labor-management relations.

Senate Committee on Commerce & Labor
House Committee on Rules

Background: Major economic changes and decisions by the National Labor Relations Board have produced significant changes in labor/management relations in the state. Many bills relating to changing business practices and labor contract negotiation strategies have been introduced in the state Legislature in the past few years.

Summary: The Joint Select Committee on Labor/Management Relations is established. The Committee shall: (1) review changes in labor/management relations that tend to cause disruption for either business or labor; (2) examine the impact of state law on changes in labor/management relations; (3) study the relationship between federal and state laws governing labor/management relations and employee entitlements; and (4) make recommendations to the Legislature which enhance: (a) labor peace; (b) business success; and (c) prosperity for all residents of the state.

The Committee consists of the Chair and ranking minority member of the Senate and House Commerce and Labor Committees and three members from each caucus in both houses. At least one member of each caucus shall be a member of the Senate or House Commerce and Labor Committees. The President of the Senate shall be the non-voting chair.

The Joint Select Committee shall establish an advisory group consisting of an equal number of members from labor and management and additional members from appropriate state and federal agencies. The advisory group shall assist in the development of the Committee's recommendations.

The Joint Select Committee shall report its findings and recommendations to the Governor and Legislature by the start of the 1988 Regular Session of the Legislature.

Votes on Final Passage:

Senate	45	0
First Special Session		
Senate	42	0
House	94	0

1987-89 REVENUES AND EXPENDITURES
GENERAL FUND-STATE

($ in Millions)

BEGINNING FUND BALANCE (7/1/87)	$0.0
REVENUE (Modified-cash basis)	
November Revenue Forecast (1986)	$10,027.7
March Adjustment (1987)	139.4
Current Revenue Forecast	$10,167.1
Revenue Revisions:	
Revenue Legislation*	1.2
Budget Driven*	42.0
Navy Homeport	28.1
TOTAL REVENUE AVAILABLE FOR 87-89	$10,238.4
EXPENDITURES	
HB 1221-Operating Budget	$10,120.5
Governor Vetoes	18.0
Other Legislation*	37.9
Total Spending Authority	10,176.4
Governor Expenditure Reductions	(19.1)
GAAP Adjustment	5.3
TOTAL EXPENDITURES FOR 87-89	$10,162.6
ENDING FUND BALANCE (6/30/89)	$75.8

* See below.

OTHER GENERAL FUND REVENUE LEGISLATION

BILL NUMBER	SUBJECT	SESSION LAW	GF STATE
HB 1	CHRISTMAS TREES EXCISE TAX	C 23 L 87	($432,000)
HB 66	B&O TAX/BARLEY	C 139 L 87	($4,000)
HB 67	B&O TAX/SEED CONDITIONING	C 493 L 87	($50,000)
HB 138	FVOC EXCELLENCE AWARD/TUITION	C 231 L 87	($210,000)
HB 198	SALES TAX TRUST FUND	C 245 L 87	$6,436,000
HB 199	TIMBER EXCISE TAX	C 166 L 87	($7,000)
HB 209	CIGARETTE TAXES/ENFORCMENT	C 496 L 87	($1,666,000)
HB 274	DSHS/OVERPAYMENT RECOVERY	C 283 L 87	$578,000
HB 282	FOOD COUPONS TAX EXEMPTIONS	C 28 L 87	($1,771,000)
HB 321	TAX DEFFERRALS/ALUM CASTING	C 497 L 87	($3,900,000)
HB 388	WASTEWATER TREATMENT FACILITY	C 357 L 87	$125,000
HB 403	AIRCRAFT REGIS-TAX/DOT	C 220 L 87	$136,000
HB 435	REAL ESTATE LICENSE/INACTIVE	C 514 L 87PV	$0
HB 551	AQUATIC LANDS SALES	C 350 L 87	($102,400)
HB 559	VANPOOL LAWS/EXTENDING	C 175 L 87	($409,000)
HB 628	TAX/CMRCL FISHNG DIESEL FUEL	C 494 L 87	($860,000)
HB 644	DOE/CERTIFY TESTING LABS	C 481 L 87	$13,000
HB 671	CONSTRUCTION/NEW/ASSESSMENT	C 134 L 87	$162,000
HB 695	PROP TAX SEIORS DISABLED	C 301 L 87	($1,710,000)
HB 739	BOND CEILING/PRIVATE ACTIVITY	C 297 L 87	$100,000
HB 772	PROPERTY TAX PROVISIONS	C 319 L 87PV	($4,000)
HB 790	TIMESHARES/LAWS	C 370 L 87	$284,000
HB 831	HORSE RACING CMSN/REVSNS	C 453 L 87	($794,706)
HB 931	LEGEND DRUG SAMPLES/DISPENSE	C 411 L 87	$15,000
HB 947	MV EXCISE TAX/COLLECTION	C 260 L 87	$200,000
HB 984	PARIMUTUEL WAGERS/SATELLITE	C 347 L 87	$524,483
HB 1021	HIGHER ED OPPORTUNITY PROGRAM	C 305 L 87	($39,000)
HB 1065	FINGERPRINT ID SYSTEM	C 450 L 87	$250,000
HB 1087	PROP TAX/ARTS ORGANIZATIONS	C 468 L 87	($48,000)
HB 1090	STUDENT LOANS/NONPROFIT TAX	C 433 L 87	($223,000)
SB 5009	DIALYSIS PROPERTY TAX	C 31 L 87	($4,000)
SB 5063	CHILD ABUSE INFO/EMPLOYEES	C 486 L 87	$120,000
SB 5110	WASH SCHOLAR AWARD	C 465 L 87	($498,000)
SB 5212	TEMPORARY RETAIL LIQUOR LICENSE	C 217 L 87	$38,000
SB 5249	COURT FILING FEES	C 382 L 87	$164,000
SB 5253	DISPLACED HOMEMAKERS	C 230 L 87	$450,000
SB 5293	SOCIAL WELFARE/ADULT FAMILY HOMES	C 4 L 87 E1	($75,000)
SB 5330	DISABILITY ACCOMMODATION FUND	C 9 L 87	($200,000)
SB 5495	FOOD FISH/PERSONAL USE	C 87 L 87	$4,444,000
SB 5515	VESSEL DEALER REGIS	C 149 L 87	$331,300
SB 5678	DEAF STUDENTS/CC FEE	C 390 L 87	($136,000)
SB 5763	SURPLUS SALMON EGGS SALE	C 48 L 87	($60,000)
SB 5858	MOBILE HOMES SALES TAX	C 89 L 87	$400,000
5911	DNR PURCHASE PROPERTIES	C 472 L 87PV	$0
SB 6016	TRANS REVENUE & TAX	C 9 L 87PVE1	$0
SB 6033	HOPS/B&O TAX	C 495 L 87	($400,000)
		TOTAL	$1,167,677

BUDGET DRIVEN REVENUES

SOURCE	GF-STATE
DEPARTMENT OF REVENUE AUDITORS	$26,400,000
DSHS BILLINGS AND CHILD SUPPORT PAYMENTS	$9,500,000
SUMMER SCHOOL TUITION	$5,000,000
PACIFIC CELEBRATION	$500,000
OTHER	$600,000
	$42,000,000

OTHER GENERAL FUND APPROPRIATION LEGISLATION

BILL	NUMBER	SUBJECT	SESSION LAW	GF STATE
HB	364	CONTRACTOR DISCLOSURE	C 419 L 87	$101,500
HB	373	RURAL DEVELOPEMENT STUDIES	C 293 L 87	$42,000
HB	419	PATERNITY/ADMIN DETERMINATION	C 441 L 87	$467,787
HB	435	REAL ESTATE SALESMEN & BROKERS	C 514 L 87PV	$84,372
HB	455	SCHOOL FINANCES	C 2 L 87 E1	$5,000,000
HB	611	NAVY HOME PORT EVERETT/FUNDS	C 272 L 87	$10,470,000
HB	758	WILDLIFE/DEPT OF	C 506 L 87PV	$8,000,000
HB	786	INNOVATIVE SCHOOL PROGRAMS	C 401 L 87	$49,500
HB	1021	HIGHER ED OPPORTUNITIES	C 305 L 87	$20,000
HB	1065	FINGERPRINT I.D. SYSTEM	C 450 L 87	$5,451,000
SB	5380	RETIREMENT COST OF LIVING	C 455 L 87	$7,100,000
SB	5515	VESSEL DEALER REGISTRATION	C 149 L 87	$314,000
SB	5717	NONPROFIT CORP/FINANCE ACTIV	C 190 L 87	$24,000
SB	5880	TUITION RECOVERY/PRIVATE VOC	C 459 L 87	$26,000
SB	5901	CONVENTION/TRADE CENTER	C 8 L 87PVE1	$100,000
SB	5977	ED TELECOMMUNICATIONS NETWK	C 279 L 87	$49,500
SB	6076	TRANSPORTATION BUDGET	C 10 L 87 E1	$593,543
				$37,893,202

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WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 LEGISLATIVE OPERATING VS. 1985-87 ESTIMATE
TOTAL STATE
DOLLARS IN THOUSANDS

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06/23/87

	---GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			------TOTAL ALL FUNDS------		
	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF
LEGISLATIVE	89,381	73,805	21.11				2,758	2,107	30.88	92,139	75,912	21.38
JUDICIAL	47,480	42,202	12.51				18,828	12,890	46.07	66,308	55,091	20.36
GENERAL GOV'T	128,017	122,802	4.25	7,332	2,166	238.49	771,812	654,560	17.91	907,161	779,528	16.37
HUMAN RESOURCE	2854,178	2521,460	13.20	2220,074	1908,628	16.32	392,633	418,617	-6.21	5466,885	4848,704	12.75
NATURAL RESOUR	232,325	210,519	10.36	92,166	45,249	103.69	249,699	242,819	2.83	574,190	498,587	15.16
TRANSPORTATION	38,889	28,411	36.88	7,342	5,236	40.22	805,768	771,517	4.44	851,998	805,164	5.82
TOTAL EDUCATIO	6416,125	5807,735	10.48	296,703	208,126	42.56	1128,321	1012,546	11.43	7841,149	7028,406	11.56
PUBLIC SCHOO	4734,969	4301,812	10.07	287,965	185,344	55.37	68,947	34,267	101.21	5091,881	4521,422	12.62
COMM COLLEGE	531,174	495,415	7.22				65,013	60,569	7.34	596,187	555,983	7.23
HIGHER EDUC	1082,550	955,468	13.30				978,588	894,583	9.39	2061,138	1850,051	11.41
EDUCAT OTHER	67,432	55,040	22.51	8,738	22,781	-61.64	15,773	23,127	-31.80	91,943	100,949	-8.92
SPECIAL APPROP	370,046	474,195	-21.96	37,307	410	***.**	1384,936	1066,838	29.82	1792,289	1541,443	16.27
ST OF WASHINGTO	10176,441	9281,127	9.65	2660,924	2169,814	22.63	4754,755	4181,893	13.70	17592,119	15632,834	12.53

WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 LEGISLATIVE OPERATING VS. 1985-87 ESTIMATE
TOTAL LEG & JUD
DOLLARS IN THOUSANDS

	---GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			------TOTAL ALL FUNDS------		
	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF
TOTAL LEGISLAT	89,381	73,805	21.11				2,758	2,107	30.88	92,139	75,912	21.38
HOUSE OF REP	44,399	35,024	26.77							44,399	35,024	26.77
SENATE	29,681	27,328	8.61							29,681	27,328	8.61
LEG BUDGET C	1,880	1,425	31.89							1,880	1,425	31.89
LEG TRANSP C							2,309	1,719	34.29	2,309	1,719	34.29
LEAP COMMITT	2,503	1,805	38.65							2,503	1,805	38.65
ST ACTUARY *		376									376	
JT LEG SYSTE	5,524	4,026	37.21							5,524	4,026	37.21
STATUTE LAW	5,394	3,820	41.22				449	388	15.78	5,843	4,207	38.87
TOTAL JUDICIAR	47,480	42,202	12.51				18,828	12,890	46.07	66,308	55,091	20.36
SUPREME COUR	10,678	9,488	12.55							10,678	9,488	12.55
LAW LIBRARY	2,574	2,351	9.49							2,574	2,351	9.49
COURT OF APP	12,013	10,523	14.16							12,013	10,523	14.16
COMM ON JUDI	477	435	9.58							477	435	9.58
COURT ADMR	21,738	19,405	12.02				18,828	12,890	46.07	40,566	32,294	25.61
TOTAL LEG & JUD	136,861	116,006	17.98				21,586	14,997	43.94	158,447	131,003	20.95

* 1987-89 FUNDING FOR THE STATE ACTUARY IS INCLUDED IN THE DEPARTMENT OF RETIREMENT SYSTEMS.

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WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 LEGISLATIVE OPERATING VS. 1985-87 ESTIMATE
TOTAL GENERAL GOVT
DOLLARS IN THOUSANDS

17:22
06/23/87

	---GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			------TOTAL ALL FUNDS------		
	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF
OFF OF GOV	5,260	5,558	-5.37	500				100		5,760	5,658	1.80
LT GOVERNOR	363	281	29.27							363	281	29.27
SEC OF STATE	6,398	6,275	1.96				2,531	2,138	18.38	8,929	8,413	6.13
HISPANIC AFF	280	209	34.10							280	209	34.10
ASIAN-AM ADV	285	264	7.95							285	264	7.95
INDIAN ADVIS	241	216	11.52							241	216	11.52
STATE TREASU		2					9,125	8,055	13.29	9,125	8,056	13.27
STATE AUDITO	832	814	2.22				24,379	22,548	8.12	25,211	23,362	7.91
ATTORNEY GEN	5,143	4,843	6.19				48,478	31,016	56.30	53,621	35,859	49.53
OFF FINANCIA	18,281	15,166	20.54	60			2,996	1,639	82.85	21,337	16,804	26.97
INVESTMENT B							1,736	1,584	9.62	1,736	1,584	9.61
DEPT PERSONN		2					21,407	19,030	12.49	21,407	19,032	12.48
SAL FOR ELEC	63	127	-50.39							63	127	-50.39
PERSONNEL AP							807	741	8.97	807	741	8.97
DATA PROCESS *								1,071			1,071	
DEFER COMP C	354						853	1,021	-16.46	1,207	1,021	18.21
DEPT REVENUE	63,667	61,376	3.73				4,337	4,025	7.74	68,004	65,401	3.98
TAX APPEALS	1,214	1,116	8.75							1,214	1,116	8.75
DEPT GEN ADM *	8,312	7,743	7.34	1,623			81,296	187,119	-56.55	91,231	194,863	-53.18
INSURANCE CO		3,544					10,205	4,856	110.15	10,205	8,400	21.50
PUB DISCLOSU	1,229	1,000	22.85							1,229	1,000	22.85
DEPT RETIREM		13					20,666	15,871	30.22	20,666	15,883	30.11
MUN RESEARCH	2,104	1,835	14.66							2,104	1,835	14.66
ST BRD OF AC	415	346	19.98		9		571	523	9.20	986	878	12.33
BOXING COMMI	105	88	19.32							105	88	19.32
CEMETERY BOA							143	124	15.42	143	124	15.42
HORSE RACING							4,233	3,961	6.87	4,233	3,961	6.87
GAMBLING COM							8,277	7,837	5.61	8,277	7,837	5.61
LIQUOR CONTR		5					87,777	84,879	3.41	87,777	84,884	3.41
PHARMACY BOA	1,343	1,205	11.46					401		1,343	1,606	-16.37
UTILITY & TR		85					24,458	22,487	8.77	24,458	22,572	8.36
VOL FIREMEN							233	213	9.54	233	213	9.54
MILITARY DEP	7,769	7,313	6.23	5,149	2,157	138.70		2,767		12,918	12,238	5.56
PUB EMPL REL	1,719	1,627	5.66							1,719	1,627	5.66
LOTTERY COMM							246,007	221,965	10.83	246,007	221,965	10.83
ECONOMIC DEV	666	175	280.57				100			766	175	337.71
UNIFORM LEG	36	29	24.14							36	29	24.14
ADMIN HEARIN							8,752	8,587	1.92	8,752	8,587	1.92
MINORITY & W	1,937	1,546	25.26							1,937	1,546	25.26
DEATH INVEST							5	4	42.86	5	4	42.86
PRESIDENTIAL	1									1		
DEPT OF INFO *							162,440			162,440		
TOTAL GENERAL G	128,017	122,802	4.25	7,332	2,166	238.49	771,812	654,560	17.91	907,161	779,528	16.37

* DEPARTMENT OF INFORMATION SERVICES INCLUDES THE DATA PROCESSING AUTHORITY AND TWO PROGRAMS FROM GENERAL ADMINISTRATION AND ONE PROGRAM FROM THE DEPARTMENT OF LICENSING.

WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 LEGISLATIVE OPERATING VS. 1985-87 ESTIMATE
TOT HUMAN RESOURCES
DOLLARS IN THOUSANDS

	---GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			------TOTAL ALL FUNDS------		
	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF
DEPT CORRECT	349,658	331,108	5.60				317	522	-39.26	349,975	331,630	5.53
DEPT SOC & H	2408,274	2125,567	13.30	1919,342	1610,178	19.20	10,754	39,388	-72.70	4338,370	3775,133	14.92
DEPT COMMUN	32,807	22,189	47.85	143,939	143,591	.24	17,035	28,099	-39.38	193,781	193,879	-.05
VETERANS AFF	17,889	17,265	3.62	4,690	3,499	34.04	6,167	5,515	11.83	28,746	26,278	9.39
HUMAN RIGHTS	3,199	3,043	5.12	964	1,063	-9.29				4,163	4,106	1.39
IND INS APPE							12,206	8,153	49.72	12,206	8,153	49.71
CRIM JUST TR		4					7,898	6,870	14.97	7,898	6,874	14.90
DEPT L & I	8,486	8,162	3.97				191,608	163,703	17.05	200,094	171,865	16.43
INDETERMIN S	4,042	3,441	17.47							4,042	3,441	17.47
HOSPITAL COM	1,948	1,717	13.45				1,420	1,329	6.85	3,368	3,046	10.57
DEPT EMPLOY	5,700	5,464	4.31	146,257	146,305	-.03	144,544	134,297	7.63	296,501	286,066	3.65
DEPT BLIND S	2,357	2,285	3.15	4,862	3,920	24.03	684	850	-19.54	7,903	7,055	12.02
CORRECT STDS	185	709	-73.91	20	72	-72.22		29,892		205	30,673	-99.33
SENTENCING C	525	505	4.00							525	505	4.00
WASH BASIC H *	19,109									19,109		
TOT HUMAN RESOU	2854,178	2521,460	13.20	2220,074	1908,628	16.32	392,633	418,617	-6.21	5466,885	4848,704	12.75

* NEW AGENCY IN THE 1987-89 BIENNIUM

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WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 LEGISLATIVE OPERATING VS. 1985-87 ESTIMATE
DEPT SOCIAL & HLTH SV
DOLLARS IN THOUSANDS

17:22
06/23/87

	---GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			------TOTAL ALL FUNDS------		
	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF
CHILDREN & F	165,009	132,032	24.98	58,552	50,094	16.88		1,512		223,561	183,638	21.74
JUVENILE REH	75,161	74,664	.67	968	968			94		76,129	75,726	.53
MENTAL HEALT	272,576	248,108	9.86	51,086	47,494	7.56	1,580	2,262	-30.14	325,242	297,864	9.19
DEVELOPMENTA	183,667	159,730	14.99	158,628	149,469	6.13				342,295	309,199	10.70
LONG TERM CA	326,546	272,053	20.03	331,586	256,794	29.13		4,778		658,132	533,625	23.33
INCOME ASSIS	465,361	475,514	-2.14	442,371	386,921	14.33				907,732	862,435	5.25
COMMUNITY SO	62,580	34,780	79.93	16,866	18,826	-10.41	166	3,654	-95.46	79,612	57,260	39.04
MEDICAL ASSI	528,288	462,338	14.26	481,926	376,094	28.14				1010,214	838,431	20.49
PUBLIC HEALT	58,177	46,356	25.50	73,551	68,239	7.78	8,025	19,762	-59.39	139,753	134,358	4.02
VOCATIONAL R	13,583	12,843	5.76	32,654	34,004	-3.97		1,155		46,237	48,002	-3.68
ADMIN SUPPOR	46,280	40,285	14.88	32,044	29,512	8.58	78	675	-88.45	78,402	70,472	11.25
COMMUNITY SE	156,570	129,119	21.26	174,030	148,798	16.96	705	5,296	-86.69	331,305	283,213	16.98
REVENUE COLL	26,217	16,929	54.86	51,135	32,368	57.98	200	200		77,552	49,497	56.68
PAYMENTS TO	28,259	20,816	35.76	13,945	10,598	31.58				42,204	31,413	34.35
DEPT SOCIAL & H	2408,274	2125,567	13.30	1919,342	1610,178	19.20	10,754	39,388	-72.70	4338,370	3775,133	14.92

WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 LEGISLATIVE OPERATING VS. 1985-87 ESTIMATE
NATURAL RESOURCES TOTAL
DOLLARS IN THOUSANDS

	---GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			------TOTAL ALL FUNDS------		
	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF
ENERGY OFFIC	1,874	1,866	.43	16,528	13,403	23.32	1,525	10,413	-85.35	19,927	25,681	-22.41
WASH CENTENN	7,377	1,527	383.14				2,540	350	625.71	9,917	1,877	428.37
COL RIV GORG	463	107	333.52				468	83	465.22	931	190	391.03
DEPT ECOLOGY	51,666	44,083	17.20	59,846	19,368	209.00	22,138	23,107	-4.19	133,650	86,557	54.41
ENERGY FAC S				57			2,726	2,468	10.48	2,783	2,468	12.79
PARKS & RECR	35,258	34,957	.86	999	660	51.36	11,942	10,962	8.94	48,199	46,579	3.48
OUTDR RECREA							1,746	10,263	-82.99	1,746	10,263	-82.99
ENVIRON HEAR	842	789	6.70							842	789	6.70
TRADE & ECON	23,650	20,626	14.66				1,602	1,099	45.78	25,252	21,725	16.24
CONSERVATION	602	380	58.50							602	380	58.50
WORLD FAIR C (1)		3,896									3,896	
PUGET SOUND	2,910	2,733	6.48				1,100			4,010	2,733	46.73
DEPT FISHERI	47,465	44,392	6.92	14,057	10,790	30.28	4,076	5,849	-30.31	65,598	61,030	7.48
DEPT OF WILD (2)	8,000	68	***.**				55,288	55,395	-.19	63,288	55,463	14.11
NATURAL RESO	36,170	39,797	-9.11	78	240	-67.49	107,753	91,134	18.24	144,001	131,171	9.78
DEPT AGRICUL	16,021	15,299	4.72	601	790	-23.89	27,475	26,812	2.47	44,097	42,901	2.79
ST CONVENT/T							9,320	4,885	90.77	9,320	4,885	90.77
WINTER REC C (3)	27									27		
NATURAL RESOURC	232,325	210,519	10.36	92,166	45,249	103.69	249,699	242,819	2.83	574,190	498,587	15.16

(1) AGENCY TERMINATED IN THE 1985-87 BIENNIUM

(2) FORMERLY CALLED THE DEPARTMENT OF GAME

(3) AGENCY REESTABLISHED IN THE 1987-89 BIENNIUM

LEAP OFFICE
PAGE 7 OF 10

WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 LEGISLATIVE OPERATING VS. 1985-87 ESTIMATE
TOT TRANSPORTATION
DOLLARS IN THOUSANDS

17:22
06/23/87

	---GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			------TOTAL ALL FUNDS------		
	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF
STATE PATROL	22,389	14,149	58.24	2,974	142	***.**	140,559	126,733	10.91	165,922	141,024	17.65
TRAFFIC SAFE							4,501	5,089	-11.55	4,501	5,089	-11.55
DEPT LICENSI (1)	15,906	13,645	16.57				121,228	132,571	-8.56	137,134	146,216	-6.21
CNTY ROAD AD							22,376	17,824	25.54	22,376	17,824	25.54
BRD PILOTAGE							102	100	1.50	102	100	1.50
DEPT TRANSPO	592	616	-3.88	4,368	5,094	-14.25	454,365	419,995	8.18	459,325	425,704	7.90
URBAN ARTERI							61,487	68,487	-10.22	61,487	68,487	-10.22
MARINE EMPLO							358	299	19.77	358	299	19.77
TRANSPORT CO	2	2	-5.56				492	419	17.66	494	420	17.56
RAIL DEVELOP (2)							300			300		
TOT TRANSPORTAT	38,889	28,411	36.88	7,342	5,236	40.22	805,768	771,517	4.44	851,998	805,164	5.82

(1) THE INFORMATION SYSTEMS PROGRAM FORMERLY IN THE DEPARTMENT OF LICENSING IS TRANSFERRED TO THE NEW DEPARTMENT OF INFORMATION SERVICES FOR THE 1987-89 BIENNIUM.

(2) NEW AGENCY IN THE 1987-89 BIENNIUM

WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 LEGISLATIVE OPERATING VS. 1985-87 ESTIMATE
EDUCATION TOTAL
DOLLARS IN THOUSANDS

	---GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			------TOTAL ALL FUNDS------		
	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF
PUBLIC SCHOOLS	4734,969	4301,812	10.07	287,965	185,344	55.37	68,947	34,267	101.21	5091,881	4521,422	12.62
SUPT PUB INS	4734,969	4301,812	10.07	287,965	185,344	55.37	68,947	34,267	101.21	5091,881	4521,422	12.62
COMM COLLEGE T	531,174	495,415	7.22				65,013	60,569	7.34	596,187	555,983	7.23
COMMUNITY CO	531,174	495,415	7.22				65,013	60,569	7.34	596,187	555,983	7.23
HIGHER EDUCATI	1082,550	955,468	13.30				978,588	894,583	9.39	2061,138	1850,051	11.41
UNIV OF WASH	516,799	448,656	15.19				817,119	731,363	11.73	1333,918	1180,018	13.04
WASH STATE U	287,150	256,446	11.97				130,594	129,414	.91	417,744	385,860	8.26
EAST WASH UN	81,688	73,482	11.17				7,945	9,305	-14.61	89,633	82,786	8.27
CENT WASH UN	68,969	63,212	9.11				11,468	11,849	-3.21	80,437	75,060	7.16
THE EVERGREE	40,269	35,043	14.91				3,263	3,459	-5.65	43,532	38,501	13.07
WEST WASH UN	87,675	78,631	11.50				8,199	9,195	-10.83	95,874	87,826	9.16
EDUCATION OTHE	67,432	55,040	22.51	8,738	22,781	-61.64	15,773	23,127	-31.80	91,943	100,949	-8.92
HIGHER ED CO	52,364	36,164	44.79	3,471	3,537	-1.85	40	500	-92.00	55,875	40,201	38.99
ATHLETIC HEA		7									7	
COMM FOR VOC		4,578			15,912			7,120			27,610	
HE PERSONNEL							1,947	1,781	9.30	1,947	1,782	9.28
STATE LIBRAR	9,280	8,815	5.28	4,399	2,428	81.19	13,190	13,111	.61	26,869	24,353	10.33
ST ARTS COMM	3,409	3,577	-4.69	780	905	-13.77		76		4,189	4,557	-8.08
ST HIST SOCI	863	668	29.21				403	307	31.18	1,266	975	29.83
E WA ST HIST	685	651	5.24	88			76	119	-36.03	849	770	10.30
ST CAPITOL H	746	580	28.58				117	114	2.99	863	694	24.39
COMPACT FOR	85									85		
EDUCATION TOTAL	6416,125	5807,735	10.48	296,703	208,126	42.56	1128,321	1012,546	11.43	7841,149	7028,406	11.56

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WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 LEGISLATIVE OPERATING VS. 1985-87 ESTIMATE
PUBLIC SCHOOLS
DOLLARS IN THOUSANDS

17:23
06/23/87

	---GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			------TOTAL ALL FUNDS------		
	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF
PUBLIC SCHOOLS	4680,469	4301,812	8.80	287,965	185,344	55.37	68,947	34,267	101.21	5037,381	4521,422	11.41
OFFICE OF SP	17,800	19,476	-8.61	10,683	6,084	75.59	456	2,058	-77.84	28,939	27,618	4.78
GEN APPORTIO	3805,863	3492,291	8.98				55,100	8,080	581.93	3860,963	3500,371	10.30
TRANSPORTATI	221,479	208,477	6.24					1,780		221,479	210,256	5.34
VOC-TECH INS	76,857	63,847	20.38					118		76,857	63,965	20.16
VOC ED FLOW		20									20	
FOOD SERVICE	6,000	6,000		68,154	60,722	12.24		3,400		74,154	70,122	5.75
HANDICAPPED	419,767	370,780	13.21	45,318	30,153	50.29		763		465,085	401,696	15.78
TRAFFIC SAFE							13,391	13,876	-3.50	13,391	13,876	-3.50
EDUC SERVICE	10,192	9,642	5.70					61		10,192	9,703	5.05
ELEM & SECON				120,554	102,846	17.22				120,554	102,846	17.22
INDIAN EDUCA				290	227	28.04				290	227	28.04
INSTITUTIONA	20,722	21,218	-2.34	7,034	6,663	5.57		64		27,756	27,945	-.68
ADULT BASIC				3,022	2,585	16.91				3,022	2,585	16.91
HIGHLY CAPAB	5,393	4,915	9.71							5,393	4,915	9.71
SCHOOL DIST	3,375	255	***.**	4,677	2	***.**		3,638		8,052	3,895	106.72
SPECIAL & PI	13,434	3,958	239.43	4,000						17,434	3,958	340.50
FEDERAL ENCU				24,085	-24,085	-200.00				24,085	-24,085	-200.00
TRANSITIONAL	11,667	10,311	13.15							11,667	10,311	13.15
REMEDIATION	49,706	29,979	65.80					429		49,706	30,408	63.46
EDUCATIONAL	3,400	2,104	61.61							3,400	2,104	61.61
TRS CONTRIBU (1)		44,000									44,000	
BELATED CLAI		95									95	
SCHOOLS FOR	14,814	14,445	2.56	148	148					14,962	14,593	2.53
BLOCK GRANT (2)	49,500									49,500		
LEVY EQUALIZ (3)	5,000									5,000		
PUBLIC SCHOOLS	4734,969	4301,812	10.07	287,965	185,344	55.37	68,947	34,267	101.21	5091,881	4521,422	12.62

(1) TRANSITIONAL FUNDING; BALANCE OF 1985-87 CONTRIBUTIONS ARE INCLUDED IN OTHER PROGRAMS -- ENTIRE 1987-89 CONTRIBUTIONS ARE REFLECTED IN OTHER PROGRAMS

(2) NEW PROGRAM IN THE 1987-89 BIENNIUM

(3) NEW PROGRAM IN THE 1987-89 BIENNIUM

WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 LEGISLATIVE OPERATING VS. 1985-87 ESTIMATE
TOT SPECIAL APPROPS
DOLLARS IN THOUSANDS

	---GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			------TOTAL ALL FUNDS------		
	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF	1987-89	1985-87	% DIFF
SPEC APP TO	27,207	1,145	***.**	27,288			5,800			60,295	1,145	***.**
SUNDRY CLAIM	11,208						20	1,200	-98.36	11,227	1,200	835.61
ST REV FOR D	270,661	224,481	20.57				411,722	391,860	5.07	682,383	616,341	10.72
FED REV FOR				374	410	-8.76	58,475	47,641	22.74	58,849	48,051	22.47
BOND RETIRE							749,651	617,032	21.49	749,651	617,032	21.49
AG REVERSION		-31,625									-31,625	
RETIREMENT C	14,000	280,195	-95.00				110,051	9,105	***.**	124,051	289,300	-57.12
BELATED CLAI	1,125									1,125		
SALARY ADJUS *	45,845			9,645			49,218			104,708		
TOT SPECIAL APP	370,046	474,195	-21.96	37,307	410	***.**	1384,936	1066,838	29.82	1792,289	1541,443	16.27

* THESE AMOUNTS WILL BE DISTRIBUTED TO AGENCIES AS ADDITIONAL SPENDING AUTHORITY.

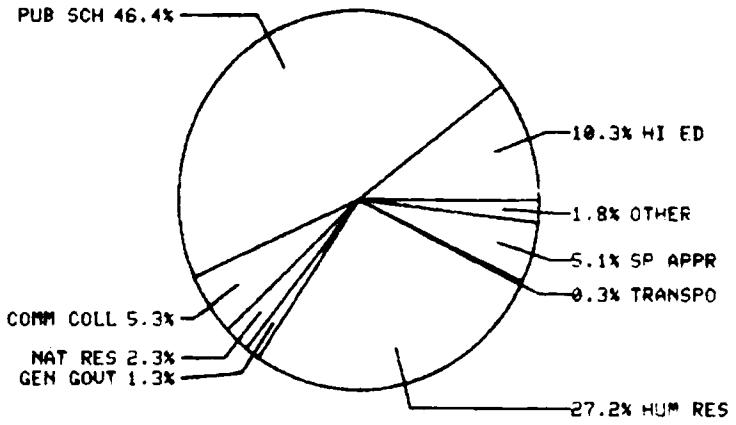
LEAP

WASHINGTON STATE
COMPARATIVE INFORMATION -- OPERATING BUDGET
1985-87 BIENNIUM VERSUS 1987-89 BIENNIUM
DOLLARS IN MILLIONS

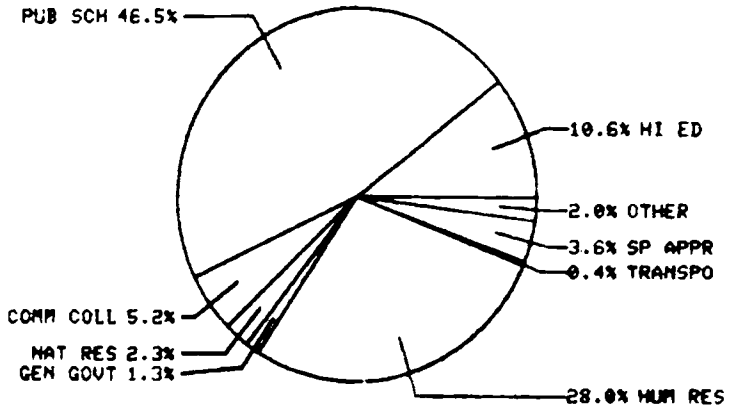
DATE 06/23/87
TIME 15:11

GENERAL FUND-STATE

HIGHER EDUCATION	955.5	10.3%
PUBLIC SCHOOLS	4,301.8	46.4%
COMMUNITY COLLEGES	495.4	5.3%
NATURAL RESOURCES	210.5	2.3%
GENERAL GOVERNMENT	122.8	1.3%
HUMAN RESOURCES	2,521.5	27.2%
TRANSPORTATION	28.4	.3%
SPECIAL APPROP	474.2	5.1%
ALL OTHER	171.0	1.8%
1985-87 TOTAL	9,281.1	100.0%



HIGHER EDUCATION	1,082.6	10.6%
PUBLIC SCHOOLS	4,735.0	46.5%
COMMUNITY COLLEGES	531.2	5.2%
NATURAL RESOURCES	232.3	2.3%
GENERAL GOVERNMENT	128.0	1.3%
HUMAN RESOURCES	2,854.2	28.0%
TRANSPORTATION	38.9	.4%
SPECIAL APPROP	370.0	3.6%
ALL OTHER	204.3	2.0%
1987-89 TOTAL	10,176.4	100.0%



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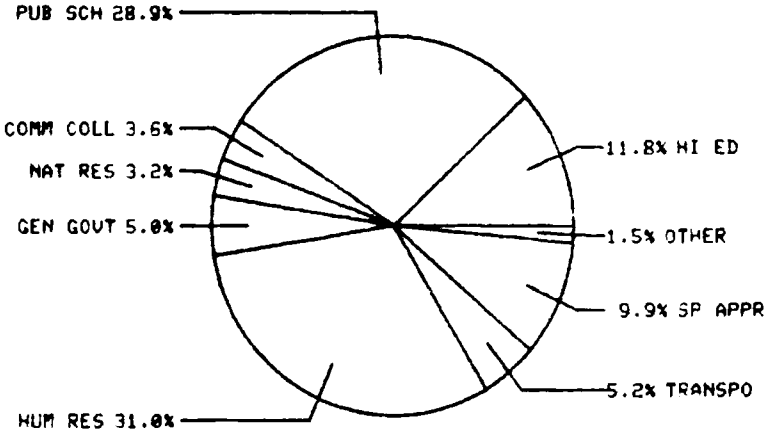
WASHINGTON STATE
COMPARATIVE INFORMATION -- OPERATING BUDGET
1985-87 BIENNIUM VERSUS 1987-89 BIENNIUM

DOLLARS IN MILLIONS

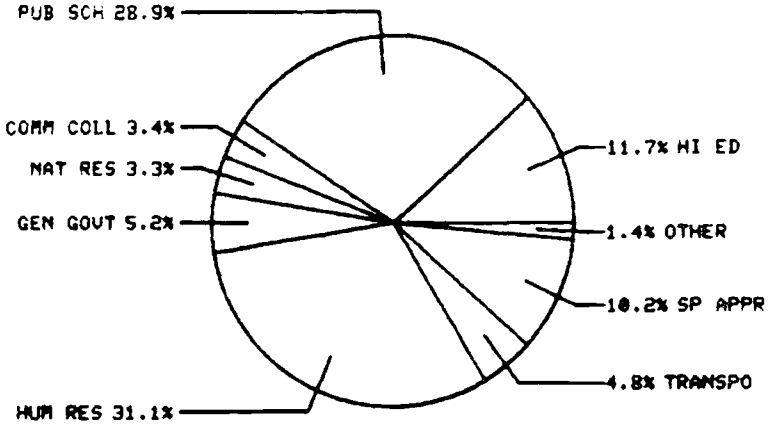
DATE 06/23/87
TIME 15:06

ALL FUNDS

HIGHER EDUCATION	1,850.1	11.8%
PUBLIC SCHOOLS	4,521.4	28.9%
COMMUNITY COLLEGES	556.0	3.6%
NATURAL RESOURCES	498.6	3.2%
GENERAL GOVERNMENT	779.5	5.0%
HUMAN RESOURCES	4,848.7	31.0%
TRANSPORTATION	805.2	5.2%
SPECIAL APPROP	1,541.4	9.9%
ALL OTHER	232.0	1.5%
1985-87 TOTAL	15,632.8	100.0%



HIGHER EDUCATION	2,061.1	11.7%
PUBLIC SCHOOLS	5,091.9	28.9%
COMMUNITY COLLEGES	596.2	3.4%
NATURAL RESOURCES	574.2	3.3%
GENERAL GOVERNMENT	907.2	5.2%
HUMAN RESOURCES	5,466.9	31.1%
TRANSPORTATION	852.0	4.8%
SPECIAL APPROP	1,792.3	10.2%
ALL OTHER	250.4	1.4%
1987-89 TOTAL	17,592.1	100.0%



LEAP

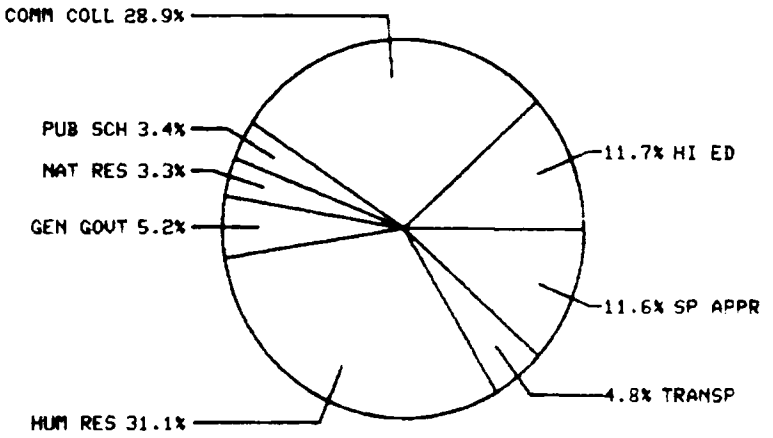
WASHINGTON STATE
COMPARATIVE INFORMATION -- OPERATING BUDGET
TOTAL ALL FUNDS VERSUS GENERAL FUND-STATE

DOLLARS IN MILLIONS

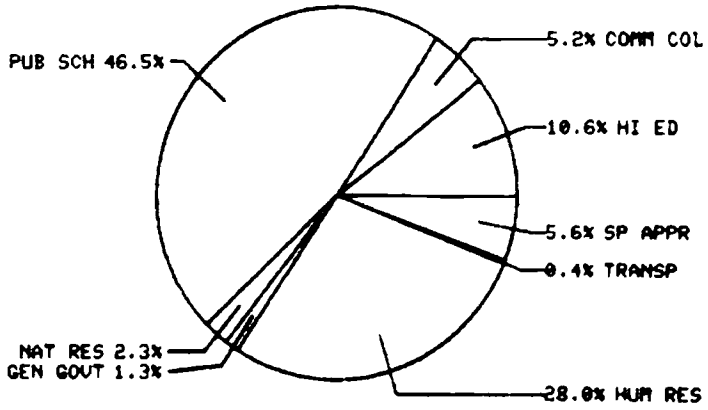
DATE 06/23/87
TIME 15:07

1987-89 BIENNIUM

HIGHER EDUCATION	2,061.1	11.7%
COMMUNITY COLLEGES	5,091.9	28.9%
PUBLIC SCHOOLS	596.2	3.4%
NATURAL RESOURCES	574.2	3.3%
GENERAL GOVERNMENT	907.2	5.2%
HUMAN RESOURCES	5,466.9	31.1%
TRANSPORTATION	852.0	4.8%
ALL OTHER	2,042.7	11.6%
TOTAL ALL FUNDS	17,592.1	100.0%



HIGHER EDUCATION	1,082.6	10.6%
COMMUNITY COLLEGES	531.2	5.2%
PUBLIC SCHOOLS	4,735.0	46.5%
NATURAL RESOURCES	232.3	2.3%
GENERAL GOVERNMENT	128.0	1.3%
HUMAN RESOURCES	2,854.2	28.0%
TRANSPORTATION	38.9	.4%
ALL OTHER	574.3	5.6%
GENERAL FUND-STATE	10,176.4	100.0%

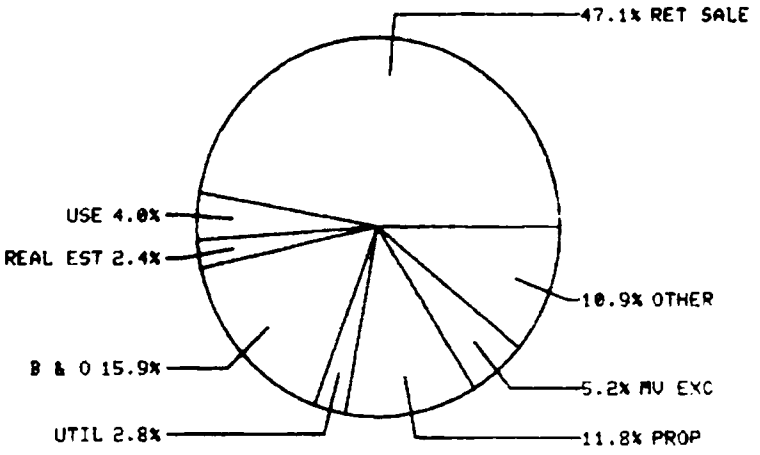


WASHINGTON STATE
COMPARATIVE INFORMATION -- MARCH 1987 REVENUE FORECAST
1985-87 BIENNIUM VERSUS 1987-89 BIENNIUM
GENERAL FUND STATE REVENUE
DOLLARS IN MILLIONS

DATE 06/23/87
TIME 15:09

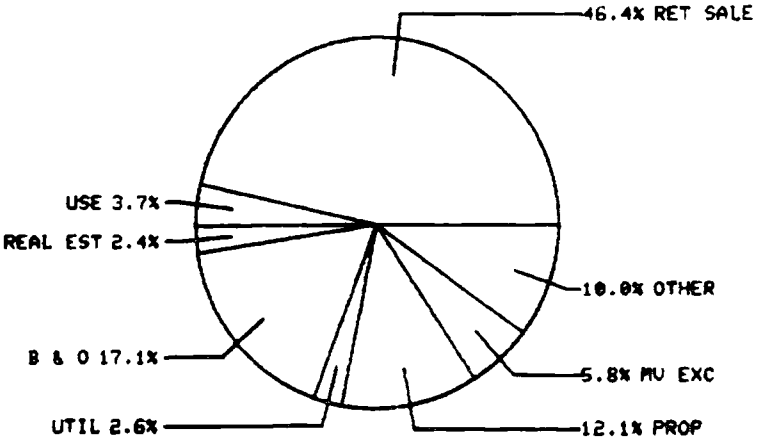
1985-87 BIENNIUM

RETAIL SALES	4,439.4	47.1%
USE TAX	373.6	4.0%
REAL ESTATE EXCISE	221.7	2.4%
B & O	1,493.5	15.9%
PUBLIC UTILITY	264.6	2.8%
PROPERTY TAX	1,109.8	11.8%
MOTOR VEHICLE EXCISE	488.8	5.2%
ALL OTHER	1,027.1	10.9%
1985-87 ESTIMATE	9,418.5	100.0%



1987-89 BIENNIUM

RETAIL SALES	4,717.4	46.4%
USE TAX	372.9	3.7%
REAL ESTATE EXCISE	240.9	2.4%
B & O	1,735.2	17.1%
PUBLIC UTILITY	261.3	2.6%
PROPERTY TAX	1,232.1	12.1%
MOTOR VEHICLE EXCISE	586.0	5.8%
ALL OTHER	1,021.3	10.0%
1987-89 FORECAST	10,167.1	100.0%



LEAP OFFICE

WASHINGTON STATE
OPERATING EXPENDITURES BY FUNCTION
DOLLARS IN THOUSANDS
GENERAL FUND-STATE

DATE 06/23/87
TIME 16:48

	1977-79	1979-81	1981-83	1983-85	OFM EST 1985-87	LEG APP 1987-89
HUMAN RESOURCES	1,035,291	1,415,819	1,585,118	2,030,910	2,521,460	2,854,178
HIGHER EDUCATION	572,281	658,364	661,666	879,172	955,468	1,082,550
COMMUNITY COLLEGES	287,180	345,571	381,638	451,657	495,415	531,174
PUBLIC SCHOOLS	1,981,920	2,844,398	3,398,021	3,883,692	4,301,812	4,734,969
EDUCATION OTHER	21,688	26,555	31,087	43,909	55,040	67,432
GENERAL GOVERNMENT	70,485	98,731	87,483	106,991	122,802	128,017
LEGISLATIVE	29,146	39,517	44,298	57,300	73,804	89,381
JUDICIAL	17,136	25,661	33,969	41,155	42,202	47,480
NATURAL RESOURCES	91,356	120,368	114,621	141,257	210,519	232,325
TRANSPORTATION	14,306	20,733	22,553	21,322	28,411	38,889
SPECIAL APPROPRIATIONS	234,836	303,296	345,043	379,711	474,195	370,046
TOTAL	4,355,625	5,899,013	6,705,497	8,037,075	9,281,127	10,176,441

PERCENT OF TOTAL

HUMAN RESOURCES	23.77	24.00	23.64	25.27	27.17	28.05
HIGHER EDUCATION	13.14	11.16	9.87	10.94	10.29	10.64
COMMUNITY COLLEGES	6.59	5.86	5.69	5.62	5.34	5.22
PUBLIC SCHOOLS	45.50	48.22	50.68	48.32	46.35	46.53
EDUCATION OTHER	0.50	0.45	0.46	0.55	0.59	0.66
GENERAL GOVERNMENT	1.62	1.67	1.30	1.33	1.32	1.26
LEGISLATIVE	0.67	0.67	0.66	0.71	0.80	0.88
JUDICIAL	0.39	0.44	0.51	0.51	0.45	0.47
NATURAL RESOURCES	2.10	2.04	1.71	1.76	2.27	2.28
TRANSPORTATION	0.33	0.35	0.34	0.27	0.31	0.38
SPECIAL APPROPRIATIONS	5.39	5.14	5.15	4.72	5.11	3.64
TOTAL	100.00	100.00	100.00	100.00	100.00	100.00

PERCENT CHANGE FROM PRIOR BIENNIUM

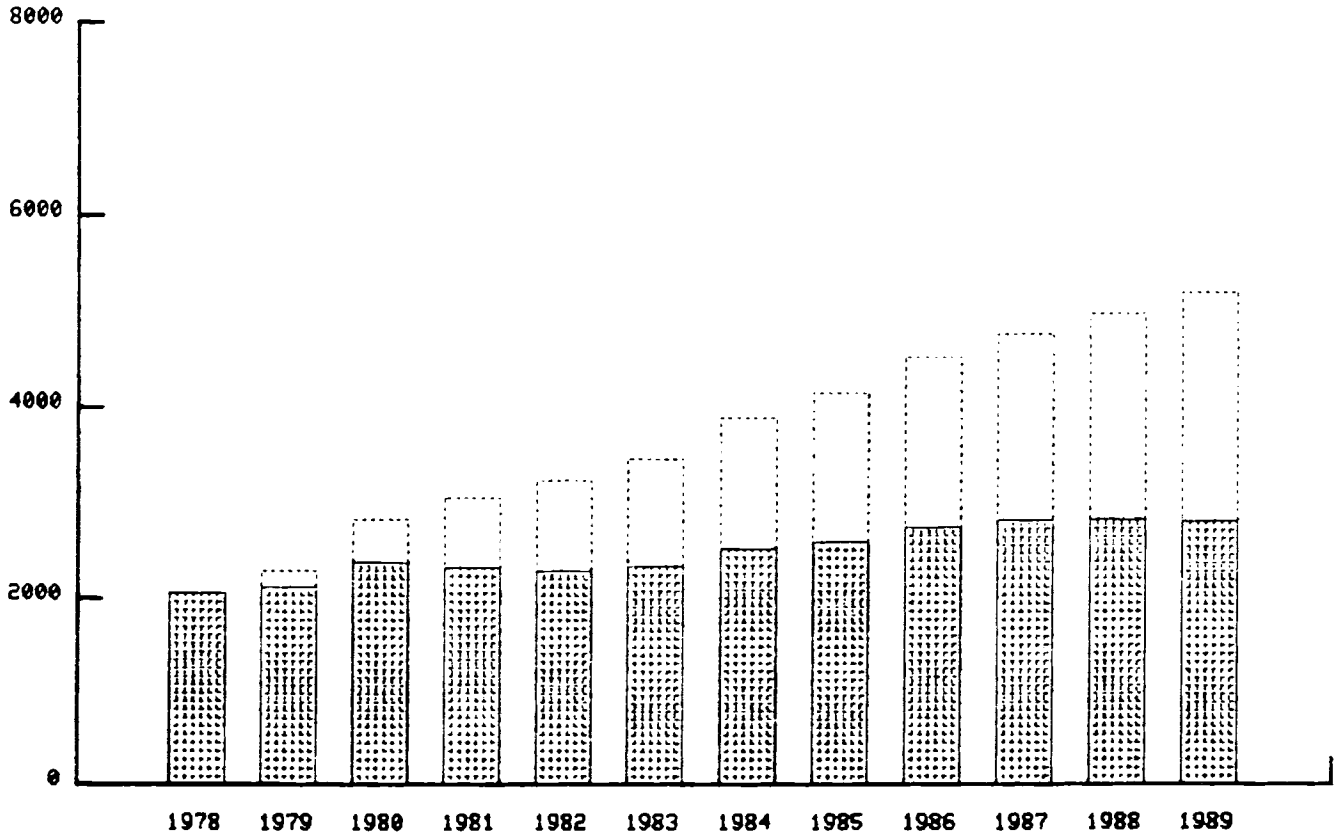
HUMAN RESOURCES		36.76	11.96	28.12	24.15	13.20
HIGHER EDUCATION		15.04	0.50	32.87	8.68	13.30
COMMUNITY COLLEGES		20.33	10.44	18.35	9.69	7.22
PUBLIC SCHOOLS		43.52	19.46	14.29	10.77	10.07
EDUCATION OTHER		22.45	17.06	41.25	25.35	22.51
GENERAL GOVERNMENT		40.07	-11.39	22.30	14.78	4.25
LEGISLATIVE		35.58	12.10	29.35	28.80	21.11
JUDICIAL		49.75	32.38	21.16	2.54	12.51
NATURAL RESOURCES		31.76	-4.77	23.24	49.03	10.36
TRANSPORTATION		44.93	8.78	-5.46	33.25	36.88
SPECIAL APPROPRIATIONS		29.15	13.76	10.05	24.88	-21.96
TOTAL		35.43	13.67	19.86	15.48	9.65

LEAP

WASHINGTON STATE
NOMINAL VS. CONSTANT DOLLAR EXPENDITURES
GENERAL FUND-STATE
FY 1978 CONSTANT DOLLARS (IPD)

DATE 06/23/87
TIME 16:07

	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
NOMINAL $	2060	2295	2837	3062	3240	3466	3890	4147	4519	4762	4979	5197
CONSTANT $	2060	2122	2376	2325	2291	2338	2526	2599	2753	2828	2837	2815

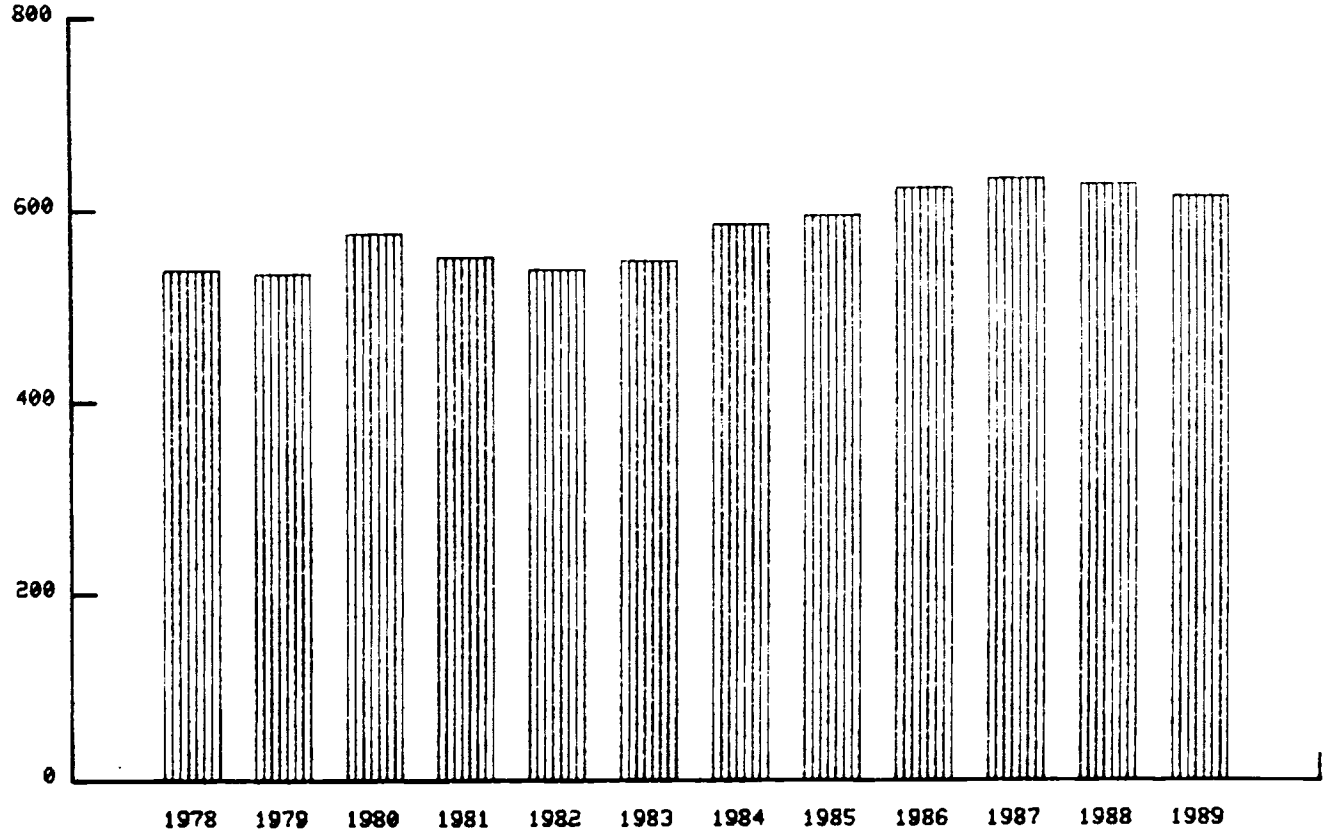


LEAP

WASHINGTON STATE
PER CAPITA EXPENDITURES
GENERAL FUND-STATE
FY 1978 CONSTANT DOLLARS (IPD)

DATE 06/23/87
TIME 15:30

	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
$$/CAPITA	537	533	575	550	537	546	584	593	621	631	625	613

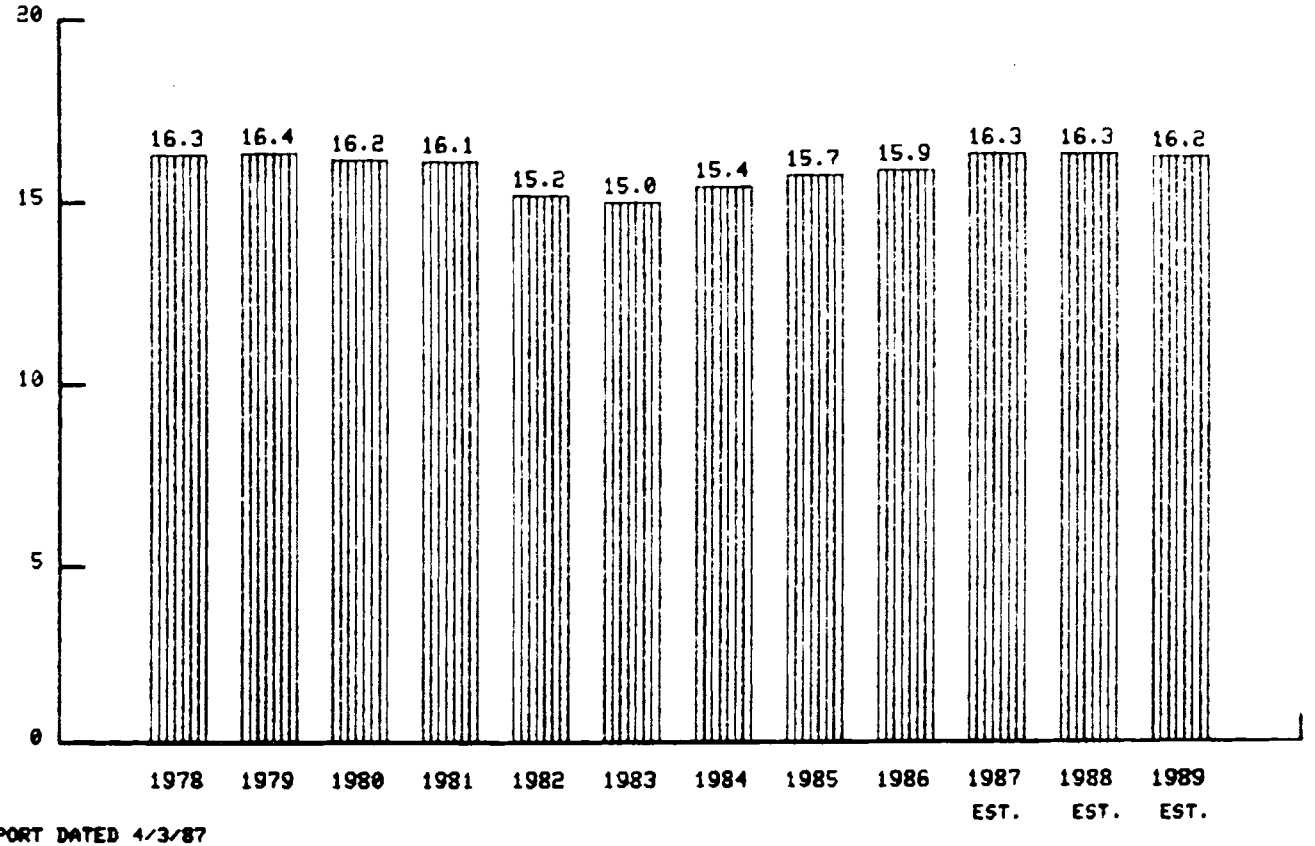


LEAP

WASHINGTON STATE EMPLOYEES
FULL TIME EQUIVALENTS / 1000 POPULATION
INCLUDES BOTH OPERATING AND CAPITAL FTES
TOTAL ALL FUNDS

DATE 06/23/87
TIME 17:09

	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
FTE/1000 POP	16.3	16.4	16.2	16.1	15.2	15.0	15.4	15.7	15.9	16.3	16.3	16.2
FTE	62556	65080	66826	68128	64716	64211	66724	68979	70311	73118	74000	74546
POPULATION	3836200	3979200	4132200	4226600	4264000	4285100	4328100	4384100	4429800	4480100	4537700	4593500



SOURCE: OFM REPORT DATED 4/3/87

Agency/Item	GOVERNOR 4/13 ALL FUNDS	HOUSE 4/22 ALL FUNDS	HOUSE FUND 057
SECRETARY OF STATE			
Essen. records protect. facil.	112	112	112
Archive fire and security	14	14	14
Archives build.: fumigator	38	38	38
Regional archives facility	0	49	49
TOTAL SECRETARY OF STATE	164	213	213
OFFICE OF FINANCIAL MANAGEMENT			
Local jail facilities	0	3,000	3,000
Capital Planning Study	0	200	200
TOTAL OFM	0	3,200	3,200
DEPARTMENT OF COMMUNITY DEVELOPMENT			
Fire Service Training Building Minor Works	171	411	171
Capitalize Development Loan Fund	3,070	3,070	3,070
Emergency Management Building Minor Works	60	60	60
Silver Lake Dam	0	70	70
Tall Ships Mobile Tourist Attraction	0	500	500
Gray's Harbor Dredging	0	10,000	10,000
Endangered Landmarks Preservation	600	600	600
Tacoma Union Station	0	1,500	1,500
Naval museum	0	500	500
San Juan Courthouse	0	100	100
Nordic Heritage Museum	0	50	50
Housing trust fund	0	2,000	2,000
Public Works Trust Fund	0	34,972	0
Officer's row, Vancouver	0	2,500	2,500
TOTAL DCD	3,901	56,333	21,121
DEPT. OF GEN. ADMINISTRATION			
Temple of Justice renovation	12,712	12,712	12,212
Emergency repairs	276	276	
Small repairs & improv	496	496	
Boiler plant repairs	352	352	

Agency/Item	GOVERNOR 4/13 ALL FUNDS	HOUSE 4/22 ALL FUNDS	HOUSE FUND 057
Archives renovation	560	560	51
Safety-building systems	1,127	1,127	
Safety-Northern St Hosp	325	325	325
Capitol campus repairs	7,367	7,367	4,950
Highway-licenses renovation	5,556	500	51
Capital campus protection	760	760	760
Capitol center bldg	3,000	0	
Motor pool consolidation	100	100	
Puyallup property	6,000	6,000	6,000
Asbestos study	500	0	
Child care facility	450	450	
Street & garage repairs	500	500	500
Utility system repairs	605	605	
Cherberg Bldg remodel	0	3,800	3,800
Legislative Bldg renovation	0	1,365	
East campus plan	0	1,000	1,000
TOTAL GA	40,686	38,295	29,649
MILITARY DEPARTMENT			
Unit train and equip site	1,124	1,124	
Tacoma armory rehab	507	507	207
Watercraft Center	669	669	
Minor works	1,000	500	500
Facilities Contingency	500	0	
Construct Kent Armory	1,533	1,533	
Project Management	245	245	245
Preplanning	174	174	174
Life Safety and Code projects	750	0	
Facility roof renovation	700	700	700
Ext. Painting of facilities	258	258	258
Underground storage tanks	739	739	287
Maintenance shop: Bellingham	303	303	
Energy conservation projects	1,076	1,076	1,076
Armory storage building	150	150	
Theater army command: Spokane	120	120	
Military police armory	200	200	
Engineering company armory	210	210	
Military intelligence armory	400	400	
Target acqui. battery armory	280	280	
Personal serv arm :Camp Murray	700	700	
USPFO armory:Camp Armory	277	277	
Flight oper. centr: Geiger Fld	3,697	3,697	
Maintenance shop: Yakima	37	37	
Flight op center: Gray Fld	378	378	
Hvy equip main.-Yakima	145	145	
AASF #1: Gray field	293	293	
AASF #2: Geiger field	1,767	1,767	

Agency/Item	GOVERNOR 4/13 ALL FUNDS	HOUSE 4/22 ALL FUNDS	HOUSE FUND 057
Division headqtrs: Fort Lewis	257	257	
Moses Lake Armory	196	196	
Redmond Armory construction	112	112	
Vancouver Army renovation	198	198	
Maint. shop add.: Camp Murry	40	40	
Mates addition	78	78	
TOTAL MILITARY	19,113	17,363	3,447
DEPT OF SOC & HEALTH SERV			
Interlake Pool Cover		250	250
Renovate Evergreen Center at Ranier School	4,444	4,444	4,444
Referendum 37	47	47	
Referendum 29	45	120	
Purchase/Renovate School and Gym	1,469	1,469	1,469
Emergency/Unant Small Works Contingency	1,036	0	
Capital Repair,Minor Works-Utilities & Facilities	943	0	
Capital Repair Minor Works-Roads & Grounds	622	622	622
Capital Repair Minor Works-Roofs	1,140	1,140	1,140
Capital Repair Minor Works-Fire Safety & Health	1,145	1,145	1,145
Capital Repair Minor Works-Hazardous Substances	777	0	
Minor Projects-Juv Rehab	932	932	932
Minor Projects-Men Health	471	471	471
Minor Projects-Dev Disabled	1,634	1,634	1,634
Constr/Equip Living Unit Naselle Youth Camp	1,601	0	
Phase III Renovation-WSH	586	586	586
ITA Residential Facilities	0	1,000	1,000
High School Renovation-CSTC	947	947	947
Phase II Renovation-ESH	4,879	4,879	4,879
Energy Conservation Mgmt	305	305	305
TOTAL DSHS	23,023	19,991	19,824
DEPT OF VETERAN'S AFFAIRS			
Contingency For Emergencies	78	78	
Minor Projects	601	601	15
Nursing Home Addit-Soldier's Home	102	51	

Agency/Item	GOVERNOR 4/13 ALL FUNDS	HOUSE 4/22 ALL FUNDS	HOUSE FUND 057	
TOTAL VA	781	730	15	
DEPT OF CORRECTIONS				
Wa St Reform Improvements	7,725	7,725	7,725	
Wa St Pen Facility Renewal	1,327	1,327	1,327	
McNeil Utility Renovation	4,805	4,805	4,805	
McNeil Water Transportation	1,048	1,048	1,048	
McNeil Building Renovation	2,936	2,936	2,936	
Emergency Repair	777	0		
Minor Projects	2,115	2,115	2,115	
Small Repairs & Improvements	546	546	546	
McNeil/Purdy/Tacoma Work Release	10,265	10,265	10,265	
Life Safety Code Compliance	1,540	1,540	1,540	
Master Plan & Facility Impr	1,032	0		
Minor Works Wastewater Trmt	708	708	708	
Minor Works-Water Systems	422	422	422	
Wa Corr Center-Reroofing	1,065	1,065	1,065	
Inst Ind Facility Programming	50	0		
TOTAL CORRECTIONS	36,361	34,502	34,502	
SPI - Interim relocation	0	126	126	* Vetoe by Gov.
STATE BOARD OF EDUCATION				
Public Sch Building Constr	111,285	134,337	30,000	
Contingent on HJR 4220	0	113,937		
Contingent on tax increase	67,430	0		
TOTAL STATE BOARD OF ED	178,715	248,274	30,000	
VOCATIONAL TECHNICAL CENTER		6,000	6,000	
HIGHER EDUCATION				
UNIVERSITY OF WASHINGTON				
Safety Projects	9,707	9,707	9,707	
Minor Wrks Capital Ren	6,770	6,770	4,805	
Minor Wrks Program Ren	11,027	11,027		
Energy Conservation	1,000	1,000	1,000	
Pavilion Roof	732	732	732	
Electrical System	1,500	1,500	1,500	
Power Plant Chiller	1,000	1,000	1,000	
Communications Bldg Ren	4,555	4,555	4,555	
H Wing Renovation	733	733	733	
Health Science Exp(H wing)	0	21,135	21,135	
Power Plant Boiler	693	693	693	

Agency/Item	GOVERNOR 4/13 ALL FUNDS	HOUSE 4/22 ALL FUNDS	HOUSE FUND 057
Suzzallo Library	28,283	28,283	28,283
AERB Addition	700	0	
Data Communication System	1,300	0	
HUB Library grounds	2,495	0	
Plant services roof	720	0	
TOTAL UW	71,215	87,135	74,143
WASHINGTON STATE UNIVERSITY			
Minor Capital Renewal	6,344	6,344	6,344
Minor Capital Improvements	4,800	4,800	
Chemistry Building	4,616	4,616	3,616
Food-Nutrition Facility	1,000	1,000	
Neill Hall Renovation	3,250	3,250	
Feed Prep/storage	350	350	
PrePlanning	1,000	1,000	
Carpenter Hall Renovation	6,200	6,200	
Tri-Cities Center	0	720	720
Vet Research Center	250	250	250
Todd Hall Addition	5,332	5,332	
Buckley dairy facility	0	1,182	
TOTAL WSU	33,142	35,044	10,930
EASTERN WASHINGTON UNIVERSITY			
Minor works	1,240	1,240	
Minor repairs & Improv	617	617	
Math Science/Tech	150	150	150
Science Bld Addition	6,951	6,951	6,827
Electrical Code	1,914	1,914	1,914
Roof Repairs	315	315	315
Energy Conservation	56	56	56
Fire Suppression	526	526	526
Life/safty Code	683	683	309
TOTAL EWU	12,452	12,452	10,097
CENTRAL WASHINGTON UNIVERSITY			
Nicholson Pavilion	0	3,863	3,863
Telecommunications	0	1,800	

Agency/Item	GOVERNOR 4/13 ALL FUNDS	HOUSE 4/22 ALL FUNDS	HOUSE FUND 057
Energy Savings projects	715	715	
Minor Works Projects	1,576	1,194	
Safety Code compliance	4,308	2,219	1,757
Handicapped Modification	816	715	
Boiler Bldg Conversion	884	0	
Hogue Hall Addition	100	0	
TOTAL CWU	8,399	10,506	5,620
EVERGREEN STATE COLLEGE			
Capital Renewal	2,090	2,090	2,090
Laboratory annex repairs	1,008	1,008	1,008
Life/safety Code	1,184	1,184	1,184
Chemical Storage	21	21	21
Pharmacy Remodel	15	15	15
Handicapped Modifications	120	120	120
Failed Systems	611	611	611
Minor Works	428	428	428
Grounds Equip storage	159	159	159
Emergency Repairs	121	121	
Minors Repairs & Improv	136	136	
Energy Audit	205	205	205
Small Chiller	216	216	216
Library 3rd Fl Remodel	10	10	10
Metal/wood shops	6	6	6
Gym	6,773	6,773	6,773
TOTAL TESC	13,103	13,103	12,846
WESTERN WASHINGTON UNIVERSITY			
Art/Tech Building	3,310	3,310	3,310
Art/Tech Bldg Equipment	1,013	1,013	
Minor Works	4,697	4,697	
Science Bldg planning	1,200	1,200	
TOTAL WWU	10,220	10,220	3,310
COMMUNITY COLLEGES			
Emergency Fund	500	0	

Agency/Item	GOVERNOR 4/13 ALL FUNDS	HOUSE 4/22 ALL FUNDS	HOUSE FUND 057
Minor Works	3,500	3,500	3,500
Repairs exterior walls	4,264	4,264	4,264
Repairs HVAC	4,075	4,075	4,075
Repairs electrical	1,392	1,392	1,392
Repairs interiors	1,926	1,926	1,926
Minor Improvement	13,764	13,764	13,764
Edison Seattle Central	4,691	4,691	4,691
Tech Bldg Skagit	3,400	3,400	3,400
Ag-Tech Walla Walla	169	169	169
Voc Science Wenatchee	75	75	75
LRC SPSCC	6,859	6,859	6,859
Heavy Equip So Seattle	4,447	4,447	4,447
LCR Clark	303	303	303
Sunnyside center Yakima	105	105	105
Pre-Planning	497	497	497
Heavy Equip Grays Harbor	718	718	718
Puyallup Extension Pierce	4,916	5,376	5,376
Applied Tec Edmonds*	2,686	2,686	2,686
Clarkston Ext Walla Walla	2,532	2,532	2,532
Computor Center Tacoma	2,558	2,558	2,558
Computor Bldg Edmonds	211	211	211
LAC Centralia	202	202	202
Tech Lab Highline	173	173	173
Math/Science Spokane Falls	240	240	240
LRC Spokane	265	265	265
Library Everett (fire)	7,991	7,991	7,991
TOTAL SBCCE	72,459	72,419	72,419
NATURAL RESOURCES			
ECOLOGY			
Waste disposal facilities r26	6,740	6,740	
Waste disposal facilities r39	4,006	3,331	
Water quality projects	77,600	75,660	
Emergency water projects	292	225	
Water supply facilities	1,251	928	
TOTAL ECOLOGY	89,889	86,884	0
CONSERVATION COMMISSION			
Water Quality Projects		1,940	
PARKS AND RECREATION			
Puget Sound & San Juan access	35	35	
Iron hourse trl & brdg repair	100	100	100
Fort Worden pt wilson bank prt	119	119	119
Green River Gorge aquisition	551	551	551

Agency/Item	GOVERNOR 4/13 ALL FUNDS	HOUSE 4/22 ALL FUNDS	HOUSE FUND 057
All areas emergency account	550	0	
Potable water supply statewide	145	145	87
Potable water supply statewide	693	693	416
Sequim Bay Reservoir cover	132	132	79
Sequim Bay water system	190	190	114
Moran water system	283	283	170
Statewide sewer facilities	298	298	75
Statewide sewer facilities	336	336	84
Statewide boat pumpout	549	549	460
Ocean city sewer connection	382	382	96
Statewide boating contingency	221	221	
Statewide boating facilities	969	969	
Boat traffic markers	110	110	
Chief Timothy boat lauch	230	230	
Fudge Point	904	904	
Moses lake boat lauch & cs	192	192	
Statewide river access	211	211	
Cenntennial facility Olmstead	40	40	
Fort Columbia renovate hist bl	98	98	
Fort Worden Balloon hanger	247	247	247
Statewide fac renovation conti	725	725	633
St. Edward electrical code	124	124	124
Fort Worden Electrical	325	325	325
Doetsch ranch	0	418	418
Maryhill development	0	1,076	1,076
Ocean beaches phased aquisitio	550	550	550
Camano Island Pt Lowell road	202	202	202
Auburn game farm	0	500	500
Crystal Falls	0	160	160
Mt. Spokane winter rec.	0	83	83
TOTAL PARKS AND RECREATION	9,511	11,198	6,669
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION		7,621	500
DEPARIMENT OF TRADE AND ECONOMIC DEVELOPMENT			
CERB	10,790	10,790	10,790
Seattle Office Building Renovation	1,276	0	0
Washington Technology Center	14,902	14,902	14,902
Agricultural Trade Center (Yakima)	6,500	6,500	6,500
TOTAL DTED	33,468	32,192	32,192
FISHERIES			

Agency/Item	GOVERNOR 4/13 ALL FUNDS	HOUSE 4/22 ALL FUNDS	HOUSE FUND 057
Salmon habitat enhancement	1,454	1,454	191
Hood Canal Bdge: fish access	52	52	52
Oakland Bay Tideland access	22	22	11
Hlth,safety,compliance:Salmon	209	209	209
Minor Cap projects:Shellfish	112	112	112
Asphalt ponds: paving,design	244	244	244
Issaquah hatchery interp cent	84	84	42
Patrol seized gear storage	98	98	98
Knappton public access	7	7	
Clam beach enhancement	1,213	1,213	1,213
McAllister: Improvements	259	259	259
Minor cap projs: Salmon,north	440	440	440
Minor cap projs: Salmon,south	1,251	1,251	398
Minor cap projs: Salmon,coast	136	136	136
Salmon culture: repair & replc	239	239	239
Concrete ponds: repair and rep	839	839	839
Capital preplanning	69	0	
Fish protection facilities	204	204	204
Columbia river: fishing access	204	204	204
Salmon enahnce:coast & Puget	4,020	4,020	
Acq/dev/reno pub rec. sites	873	873	873
Small repair and improvements	159	159	
TOTAL FISHERIES	12,188	12,119	5,764
DEPARTMENT OF GAME			
Emergency repairs & replace.	153	153	
Facility maintenance	220	220	
Preplan and design	16	16	
Access area toilet replace	102	102	
State-wide fencing	102	102	
Hatchery renovation	2,000	2,000	
Lower Rocky Ford corridor	88	210	210
Mig. watrfowl habitat dev	362	362	
Boating access development	500	500	
Wells hatchery improvemnts	65	65	
Wells wildlife area	100	100	
Mig. watrfowl habitat acqu	396	396	
TOTAL GAME	4,104	4,226	210
DEPARTMENT OF NATURAL RESOURCE			
Right of way acquisition	1,152	1,152	
Unforseen emergency repairs: irrigation	300	300	
Land bank	10,000	10,000	

Agency/Item	GOVERNOR 4/13 ALL FUNDS	HOUSE 4/22 ALL FUNDS	HOUSE FUND 057
Aquatic land enhancement	1,287	787	
Larch oil collection and shop	75	75	75
Statewide: emergency repairs	54	54	
Fire detection, smoke ventilation	138	138	69
Clearwater, Husum, and Mission Creek gas and chemical storage building	350	350	350
Statewide: light replacement	204	204	102
Statewide: handicap access	35	35	35
Statewide: insulation	54	54	18
Quinault: water system	25	25	12
Non-emergency repairs	55	55	18
Natural area preserves	1,000	0	
Wetlands: water quality	500	500	
Commercial development	745	745	
Area office space increase projects	420	420	
Timber-fish-wildlife	300	300	300
Recreation site renovation	1,148	1,148	574
Marine station dock	118	118	
Seed orchard irrigation	165	165	
Irrigation development	550	150	
Management roads	428	428	
Communication site maintenance	150	150	
Real estate improved property maintenance	250	250	
Bridge and road replacement	111	111	57
Statewide repair storage	70	70	0
Northeast shop remodeling	89	89	0
Security fence	42	42	0
Northeast headquarters paving	54	54	0
Milwakee right of way between Port Townsend and Port Angeles	0	800	800
TOTAL NATURAL RESOURCES	19,869	18,769	2,410
WASH STATE HISTORICAL SOC			
Basement & roof repair	105	105	105
Addition to air conditioning	206	206	206
Museum interior remodeling	2,242	2,242	2,242
TOTAL WA STATE HIST SOC	2,553	2,553	2,553
EASTERN WASH STATE HIST SOC			

1987-89 Capital Budget (ESHB 327)

Agency/Item	GOVERNOR 4/13 ALL FUNDS	HOUSE 4/22 ALL FUNDS	HOUSE FUND 057
Campbell House restoration	342	0	
Strahorn garage remodel	46	0	
TOTAL EAST WA ST HIST SOC	388	0	0
STATE CAPITOL HISTORICAL ASSOC			
Conference & reception center	73	0	
Energy retrofit projects	16	16	16
Contingency repairs	19	19	19
Original Capitol Building	2,800	0	
TOTAL ST CAPITOL HIST SOC	2,908	35	35
EMPLOYMENT SECURITY			
Port Angeles Job Service Center	616	616	
TOTAL ES	616	616	0
DEPARTMENT OF TRANSPORTATION			
Retention dam: Green/Toutle	3,500	3,500	3,500
TOTAL TRANSPORTATION	3,500	3,500	3,500
SUB TOTAL	702,728	847,559	391,295
VETOED BY GOVERNOR		(126)	(126)
GRAND TOTAL	702,728	847,433	391,169

NOTES: MARCH INTEREST RATES
MARCH REVENUE FORECAST
TAX INCREASE: $0
87-89 CAPITAL BUDGET: $361
SCHOOL CONSTRUCTION: $30

DEBT LIMITATION AND BOND SALE SIMULATION

($ MILLIONS)

FISCAL YEAR	1987	1988	1989	1990	1991	1992	1993
FORECASTED INTEREST RATES--12 YEARS	6.10%	6.15%	7.55%	7.55%	7.55%	7.55%	7.55%
FORECASTED INTEREST RATES--20 YEARS	6.10%	7.15%	8.55%	8.55%	8.55%	8.55%	8.55%
3 YEAR AVERAGE GENERAL STATE REVENUES	$3,537	$3,750	$4,005	$4,185	$4,365	$4,612	$4,889
7% LIMIT ON DEBT SERVICE	$248	$263	$280	$293	$306	$323	$342
DEBT PAYMENTS FOR OUTSTANDING BONDS SUBJECT TO STATUTORY LIMIT	$190	$192	$190	$188	$187	$183	$180
REMAINING CAPACITY FOR DEBT SERVICE	$57	$71	$91	$105	$118	$139	$162
CURRENTLY AUTHORIZED BOND SALES	$59	$228	$129	$70	$71	$0	$0
1987-89 CAPITAL BUDGET		$71	$243	$33			
K-12 SCHOOL CONSTRUCTION		$15	$15				
FUTURE CAPITAL BUDGETS				$43	$152	$58	$126
TOTAL PROPOSED BOND SALES	$59	$314	$387	$147	$223	$58	$126
REMAINING CAPACITY FOR BOND SALES	$569	$377	$115	$84	$3	$135	$181

BOND BILL SUMMARY

SHB 621
C 3 L 87 E1

TOTAL BOND AUTHORIZATION:	$412,300,000
BONDS SUBJECT TO DEBT LIMIT:	
BONDS FOR CAPITAL & OPERATING BUDGETS:	$404,400,000
STATE BUILDING CONSTRUCTION ACCOUNT (057):	$362,700,000
COMMON SCHOOL CONSTRUCTION FUND (113):	$30,000,000
BONDS NOT SUBJECT TO DEBT LIMIT:	
BONDS FOR WASH. STATE UNIVERSITY:	$3,200,000

AGENCY TOTALS
ESSB--6076

AGENCY	ESTIMATED 1985-87	GARDNER REQUEST	LEGISLATIVE VERSION	LEG. VS. 85-87 % DIFF.	LEG. VS. GOV. % DIFF.
DEPARTMENT OF LICENSING	92,706,800	105,682,224	101,461,499	9.44%	-3.99%
WASHINGTON STATE PATROL - OPERATING	125,161,754	139,274,319	138,765,629	10.87%	-0.37%
WASHINGTON STATE PATROL - CAPITAL	4,100,189	14,573,000	14,552,000	254.91%	-0.14%
COUNTY ROAD ADMINISTRATION BOARD	17,824,295	22,376,339	22,376,339	25.54%	0.00%
URBAN ARTERIAL BOARD	68,487,000	61,483,537	61,487,000	-10.22%	0.01%
BOARD OF PILOTAGE COMMISSIONERS	100,000	101,533	101,533	1.53%	0.00%
TRAFFIC SAFETY COMMISSION	5,599,000	4,501,023	4,501,023	-19.61%	0.00%
LEGISLATIVE TRANSPORTATION COMMITTEE	1,719,484	2,009,000	2,209,000	28.47%	9.96%
TRANSPORTATION COMMISSION	420,336	470,119	494,096	17.55%	5.10%
DEPARTMENT OF TRANSPORTATION	1,511,135,903	1,630,592,766	1,629,823,034	7.85%	-0.05%
RAIL DEVELOPMENT COMMISSION	N/A	N/A	300,000	N/A	N/A
MARINE EMPLOYEES COMMISSION	278,948	308,443	358,000	28.34%	16.07%
METROPOLITAN PLANNING ORGANIZATION	N/A	N/A	0	N/A	N/A
TRANSPORTATION IMPROVEMENT BOARD	N/A	N/A	0	N/A	N/A
RURAL ARTERIAL PROGRAM--TAX INCREASE	N/A	N/A	0	N/A	N/A
TOTAL - ALL AGENCIES	1,827,533,709	1,981,372,303	1,976,429,153	8.15%	-0.25%

SUMMARY OF FUNDS AND ACCOUNTS
ESSB 6076

FUNDS AND ACCOUNTS	ESTIMATED 1985-87	GARDNER REQUEST	FINAL VERSION	85-87 VS.FINAL % CHANGE	GARDNER VS. FINAL % CHANGE
GENERAL FUND STATE	617,625	582,208	593,543	-3.90%	1.95%
GENERAL FUND-FED/LOC	5,283,666	4,554,477	4,555,602	-13.78%	0.02%
SEARCH & RESCUE	110,000	110,000	110,000	0.00%	0.00%
AERONAUTICS ACCT-ST/LOC	1,993,255	3,065,053	3,065,918	53.81%	0.03%
PILOTAGE ACCT	100,000	101,533	101,533	1.53%	0.00%
STATE GAME	365,000	403,397	405,264	11.03%	0.46%
PUBLIC SAFETY&ED ACCT	1,892,000	2,084,192	3,352,618	77.20%	60.86%
MOTORCYCLE SAFETY	226,000	262,376	265,014	17.26%	1.01%
RURAL ARTERIAL	17,156,770	21,434,298	21,434,298	24.93%	0.00%
URBAN ARTERIAL	68,487,000	61,483,537	61,487,000	-10.22%	0.01%
PUGET SOUND CAPITAL CONSTRUCTION	53,893,305	73,881,688	73,991,906	37.29%	0.15%
PUGET SOUND FERRY OPERATIONS	46,818,048	46,341,408	46,478,031	-0.73%	0.29%
FERRY SYSTEM FUND	107,383,632	103,040,578	108,448,740	0.99%	5.25%
HIGHWAY SAFETY FUND-FED	5,284,000	4,190,574	4,190,574	-20.69%	0.00%
HIGHWAY SAFETY FUND-STATE	40,550,877	46,259,240	42,782,114	5.50%	-7.52%
STATE PATROL HIGHWAY ACCT-STATE	128,325,062	150,572,018	150,121,409	16.99%	-0.30%
STATE PATROL HIGHWAY ACCT-FED./LOC.	682,940	2,812,256	2,733,175	300.21%	-2.81%
MOTOR VEHICLE FUND-STATE	610,583,844	650,509,574	630,532,152	3.27%	-3.07%
MOTOR VEHICLE FUND- FED	737,206,000	800,683,896	812,480,262	10.21%	1.47%
TRANSPORTATION IMPROVEMENT ACCT	N/A	N/A	0	N/A	N/A
RAIL DEVELOPMENT ACCT	N/A	N/A	300,000	N/A	N/A
ENERGY ACCT	174,685	0	0	-100.00%	N/A
ECONOMIC DEVELOPMENT ACCT	400,000	9,000,000	9,000,000	2150.00%	0.00%
TREASURER TRANSFER	N/A	N/A	0	N/A	N/A
LOCAL IMPROVEMENT ACCT	N/A	N/A	0	N/A	N/A
RURAL ARTERIAL PROGRAM-TAX INCREASE	N/A	N/A	0	N/A	N/A
TOTAL	1,827,533,709	1,981,372,303	1,976,429,153	8.15%	-0.25%

TRANSPORTATION BUDGET--ESSB 6076

SEC	OP OR CAP	AGENCY FUND	ESTIMATED 1985-87	GOVERNOR'S REQUEST	LEGISLATIVE VERSION	85-87 VS.LEG. % CHANGE	LEG. VS. GOV. % CHANGE	COMMENTS
2	OP	TRAFFIC SAFETY COMMISSION						
		HIGHWAY SAFETY FUND - STATE	315,000	310,449	310,449	-1.44%	0.00%	
		HIGHWAY SAFETY FUND - FEDERAL	5,284,000	4,190,574	4,190,574	-20.69%	0.00%	
		TOTAL	5,599,000	4,501,023	4,501,023	-19.61%	0.00%	
3		RAIL DEVELOPMENT COMMISSION						
		RAIL DEVELOPMENT ACCT	NA	NA	300,000	N/A	N/A	
		TOTAL	NA	NA	300,000	N/A	N/A	
4	OP	BOARD OF PILOTAGE COMMISSIONERS						
		PUGET SOUND PILOTAGE ACCT.	100,000	101,533	101,533	1.53%	0.00%	
		TOTAL	100,000	101,533	101,533	1.53%	0.00%	
5	OP	COUNTY ROAD ADMINISTRATION BOARD						
		MOTOR VEHICLE FUND-STATE	667,525	942,041	942,041	41.12%	0.00%	
		RURAL ARTERIAL TRUST ACCT.	17,156,770	21,434,298	21,434,298	24.93%	0.00%	
		TOTAL	17,824,295	22,376,339	22,376,339	25.54%	0.00%	MVF INCREASE REFLECTS IMPLEMENTATION OF THE COUNTY PAVEMENT MGMN'T SYSTEM
6	OP	URBAN ARTERIAL BOARD						
		URBAN ARTERIAL TRUST ACCT.	68,487,000	61,483,537	61,487,000	-10.22%	0.01%	
		TOTAL	68,487,000	61,483,537	61,487,000	-10.22%	0.01%	INCLUDES: -REAPPROPRIATION : $55 M -NEW PROJECTS: $5 M -ADMINISTRATION: $1 M

SEC	OP OR CAP	AGENCY FUND	ESTIMATED 1985-87	GOVERNOR'S REQUEST	LEGISLATIVE VERSION	85-87 VS.LEG. % CHANGE	LEG. VS. GOV. % CHANGE	COMMENTS
7	OP	WASHINGTON STATE PATROL -FIELD OPERATIONS						GOVERNOR REQUEST:
		HIGHWAY ACCOUNT-STATE	91,172,893	94,716,592	94,005,256	3.11%	-0.75%	-ADDS MOTOR CARRIER SAFETY: $3.10 M
		HIGHWAY ACCOUNT-FEDERAL	603,243	2,733,175	2,733,175	353.08%	0.00%	-ADDS ADDT'L TROOPERS: $1.25 M
		HIGHWAY ACCOUNT-PRIVATE LOCAL	79,697	79,081	0	-100.00%	-100.00%	-ADDS REPLACE. PURSUIT CARS: $ .7 M
		MOTOR VEHICLE FUND-STATE	253,941	463,045	463,045	82.34%	0.00%	-ADDS ADDT'L COMMERCIAL VEHICLE ENFORCEMENT: $ .7 M
		TOTAL	92,109,774	97,991,893	97,201,476	5.53%	-0.81%	
								LEGISLATURE;
								-ADDS PERS : $.04 M
								-CUT COST OF ADDT'L TROOPERS: ($.7)M
8	OP	WASHINGTON STATE PATROL -SUPPORT SERVICES BUREAU						
		HIGHWAY ACCOUNT-STATE	33,051,980	41,282,426	41,564,153	25.75%	0.68%	GOVERNOR REQUEST;
		TOTAL	33,051,980	41,282,426	41,564,153	25.75%	0.68%	-PICS-PHASE 1 INCREASE: $1.0 M
								-PICS-PHASE 2 INCREASE: $4.9 M
								LEGISLATURE:
								-PERS INCREASE: $.08 M
								-ADDS SAFETY ED. PROGRAM: $0.9 M
								-PICS-PHASE 2 CUT: ($0.5)M
								-PROPORTIONATE FUNDING: ($0.3)M
		- TOTAL WASHINGTON STATE PATROL	125,161,754	139,274,319	138,765,629	10.87%	-0.37%	

SEC	OP OR CAP	AGENCY FUND	ESTIMATED 1985-87	GOVERNOR'S REQUEST	LEGISLATIVE VERSION	85-87 VS.LEG. % CHANGE	LEG. VS. GOV. % CHANGE	COMMENTS	
9	OP	DEPARTMENT OF LICENSING-VEHICLE SERVICES							
		MOTOR VEHICLE FUND	35,415,923	37,410,679	37,125,323	4.83%	-0.76%	GOVERNOR REQUEST;	
		GAME FUND	354,000	389,528	393,894	11.27%	1.12%	-ADDS C.A.A.P:	$5.0 M
		TOTAL	35,769,923	37,800,207	37,519,217	4.89%	-0.74%	-INCREASE WRKLOAD/LICENSES :	$1.5 M
								-ADDS INTERN'L REGIS. PLAN:	$.5 M
								-ADDS RELOCATION COSTS:	$0.9 M
								-ADDS CURBSTONE:	$0.7 M
								LEGISLATURE:	
								-INCREASE CURBSTONE PROGRAM:	$.7 M
								-ADDS PERS & L&I:	$.3 M
								-ADDS COST OF PROCESSING CONFISCATED VEH.REG.& PLATES(SHB 196):	$.2 M
10	OP	DEPARTMENT OF LICENSING-DRIVER SERVICES							
		PUBLIC SAFETY AND ED. ACCT.	1,892,000	2,084,192	3,352,618	77.20%	60.86%	GOVERNOR REQUEST:	
		HIGHWAY SAFETY FUND-STATE	31,428,678	32,085,942	30,866,231	-1.79%	-3.80%	-ADDS RELOCATION COSTS:	$.9 M
		MOTORCYCLE SAFETY ACCT.	226,000	262,376	265,014	17.26%	1.01%	-ADDS 7 FTES FOR DWI CASES:	$.4 M
		TOTAL	33,546,678	34,432,510	34,483,863	2.79%	0.15%	-REPLACES 70 COMP. TERMINALS:	$.2 M
								LEGISLATURE:	
								-RESTORE PERS	$.5 M
								-ADDS TO PUB. SAFETY ACCT.:	$1.3 M

EC	OP OR CAP	AGENCY FUND	ESTIMATED 1985-87	GOVERNOR'S REQUEST	LEGISLATIVE VERSION	85-87 VS.LEG. % CHANGE	LEG. VS. GOV. % CHANGE	COMMENTS	
11	OP	DEPARTMENT OF LICENSING-MANAGEMENT OPERATIONS							
		GAME FUND	7,000	9,781	7,256	3.66%	-25.82%	GOVERNOR REQUEST:	
		HIGHWAY SAFETY FUND	4,802,405	7,494,976	6,619,625	37.84%	-11.68%	-ADDT'L ATT. GEN., AUDIT, ARCHIVES, AND BLDG. COSTS	$1.1 M
		MOTOR VEHICLE FUND	2,361,000	4,168,781	3,785,108	60.32%	-9.20%		
		TOTAL	7,170,405	11,673,538	10,411,989	45.21%	-10.81%		
								LEGISLATURE:	
								-FUNDING ADJUSTMENT	($ 1.2) M
								-ADDS PERS:	$.2 M
12	OP	DEPARTMENT OF LICENSING-INFORMATION SYSTEMS							
		GAME FUND	4,000	4,088	4,114	2.85%	0.64%	GOVERNOR REQUEST:	
		HIGHWAY SAFETY FUND	4,004,794	6,367,873	4,985,809	24.50%	-21.70%	-ADDS VEHICLE DRIVER INTEGRATION SYSTEM(VDI):	$4.6 M
		MOTOR VEHICLE FUND	12,211,000	15,404,008	14,056,507	15.11%	-8.75%	-ADDT'L DATA PROC. COSTS:	$1.4 M
		TOTAL	16,219,794	21,775,969	19,046,430	17.43%	-12.53%		
								LEGISLATURE:	
								-REDUCES VDI SYSTEM	($2.7) M
								-ADDS PERS	$.1 M
		DEPARTMENT OF LICENSING TOTAL	92,706,800	105,682,224	101,461,499	9.44%	-3.99%		

SEC	OP OR CAP	AGENCY FUND	ESTIMATED 1985-87	GOVERNOR'S REQUEST	LEGISLATIVE VERSION	85-87 VS.LEG. % CHANGE	LEG. VS. GOV. % CHANGE	COMMENTS
13	OP	LEGISLATIVE TRANSPORTATION COMMITTEE						
		MOTOR VEHICLE FUND	1,719,484	2,009,000	2,209,000	28.47%	9.96%	LEGISLATURE VS. GOVERNOR:
		TOTAL	1,719,484	2,009,000	2,209,000	28.47%	9.96%	-ADDS TRANSPORTATION SYMPOSIUM: $.2 M
14	OP	MARINE EMPLOYEES COMMISSION						
		FERRY SYSTEM FUND	0	0	250,600	N/A	N/A	LEGISLATURE VS. GOVERNOR:
		PUGET SOUND FERRY OPERATIONS-ACCT.	278,948	308,443	107,400	-61.50%	-65.18%	-ADDS PERSONNEL PROCEDURES
		TOTAL	278,948	308,443	358,000	28.34%	16.07%	STUDY: $.05 M
15	OP	TRANSPORTATION COMMISSION						
		AERONAUTICS ACCT.	909	1,013	1,019	12.10%	0.59%	
		GENERAL FUND	1,818	2,030	1,651	-9.19%	-18.67%	
		PUGET SOUND CAP. CONST. ACCT.	13,636	15,232	23,633	73.31%	55.15%	
		PUGET SOUND OPERATIONS ACCT.	44,543	49,765	14,599	-67.22%	-70.66%	
		MOTOR VEHICLE FUND	359,430	402,079	419,129	16.61%	4.24%	
		FERRY SYSTEM FUND	NA	NA	34,065	N/A	N/A	
		TOTAL	420,336	470,119	494,096	17.55%	5.10%	
16	CAP	DEPARTMENT OF TRANSPORTATION						
		HIGHWAY CONSTRUCTION - PROGRAM A						
		MOTOR VEHICLE FUND - ST.	90,838,000	108,000,000	108,000,000	18.89%	0.00%	
		MOTOR VEHICLE FUND - FED./LOC.	94,082,000	82,000,000	82,000,000	-12.84%	0.00%	
		TOTAL	184,920,000	190,000,000	190,000,000	2.75%	0.00%	
17	CAP	DEPARTMENT OF TRANSPORTATION						
		HIGHWAY CONSTRUCTION - PROGRAM B						
		MOTOR VEHICLE FUND - ST.	53,250,000	57,000,000	57,000,000	7.04%	0.00%	1985-87 VS GOVERNOR:
		MOTOR VEHICLE FUND - FED./LOC.	486,750,000	513,000,000	513,000,000	5.39%	0.00%	-INCREASED DISCRETIONARY FUNDS: $30.0 M
		TOTAL	540,000,000	570,000,000	570,000,000	5.56%	0.00%	

EC	OP OR CAP	AGENCY FUND	ESTIMATED 1985-87	GOVERNOR'S REQUEST	LEGISLATIVE VERSION	85-87 VS.LEG. % CHANGE	LEG. VS. GOV. % CHANGE	COMMENTS
18	CAP	DEPARTMENT OF TRANSPORTATION HIGHWAY CONSTRUCTION - PROGRAM C						
		MOTOR VEHICLE FUND - ST.	143,000,000	126,000,000	106,000,000	-25.87%	-15.87%	
		MOTOR VEHICLE FUND - LOC.	1,000,000	2,000,000	2,000,000	100.00%	0.00%	
		TOTAL	144,000,000	128,000,000	108,000,000	-25.00%	-15.63%	$128 M UTILIZES ALL AVAILABLE FUNDS
								LEGISLATURE: CAT C CUTS TO FUND PROGS.A & H IN 89-91: ($20) M
19	CAP & OP	DEPARTMENT OF TRANSPORTATION CONSTRUCTION MGMT.& SUPPORT - PROGRAM D						
		MOTOR VEHICLE FUND-STATE	32,324,867	34,097,816	35,168,228	8.80%	3.14%	
		ENERGY ACCOUNT	174,685	0	0	-100.00%	N/A	
		TOTAL	32,499,552	34,097,816	35,168,228	8.21%	3.14%	
20 & 21	OP	DEPARTMENT OF TRANSPORTATION AERONAUTICS - PROGRAM F						
		AERONAUTICS ACCT. - ST.	1,594,179	2,192,803	2,192,803	37.55%	0.00%	1985-87 VS GOVERNOR:
		AERONAUTICS ACCT. - FED.	389,733	862,725	862,725	121.36%	0.00%	-ADDS FEDERAL GRANTS FOR
		SEARCH & RESCUE ACCT.	110,000	110,000	110,000	0.00%	0.00%	DEVELOP. OF STATEWIDE AIRPORT
		TOTAL	2,093,912	3,165,528	3,165,528	51.18%	0.00%	PLAN AND WORK ON METHOW ARPRT: $1.0 M
22	CAP	DEPARTMENT OF TRANSPORTATION ECONOMIC TRAFFIC OP. IMP.-PROG. G						
		ECONOMIC DEV. ACT.-STATE	400,000	9,000,000	9,000,000	2150.00%	0.00%	
		TOTAL	400,000	9,000,000	9,000,000	2150.00%	0.00%	REAPPROPRIATES BOND AUTHORITY
23	CAP	DEPARTMENT OF TRANSPORTATION BRIDGE REPLACEMENT-PROG H						
		MOTOR VEHICLE FUND-ST	19,669,000	23,000,000	23,000,000	16.94%	0.00%	1985-87 VS.GOVERNOR:
		MOTOR VEHICLE FUND - FED/LOC	28,495,000	32,000,000	32,000,000	12.30%	0.00%	-ADDS INFLATION: $2.0 M
		TOTAL	48,164,000	55,000,000	55,000,000	14.19%	0.00%	-ADDS FED. FUNDS: $3.5 M -ADDS STATE MATCH: $1.0 M

SEC	OP OR CAP	AGENCY FUND	ESTIMATED 1985-87	GOVERNOR'S REQUEST	LEGISLATIVE VERSION	85-87 VS.LEG. % CHANGE	LEG. VS. GOV. % CHANGE	COMMENTS	
24	OP	DEPARTMENT OF TRANSPORTATION MAINTENANCE - PROGRAM M							
		MOTOR VEHICLE FUND - ST.	172,181,613	185,794,610	185,239,165	7.58%	-0.30%	1985-87 VS. GOVERNOR:	
		TOTAL	172,181,613	185,794,610	185,239,165	7.58%	-0.30%	-HOOD CANAL INSURANCE & STORM MNGMN'T PYMNT TO LOCALS:	$2.0 M
								-ADDS ANNUALIZATION:	$1.3 M
								-ADDS INFLATION:	$4.1 M
								-ADDS ASBESTOS:	$0.7 M
								-ADDS SNOW AND ICE:	$2.1 M
								-ADDS BUILD. SPACE:	$0.2 M
								-ADDS SPAN BRIDGES:	$0.4 M
								-ADDS LANE MILES & MAINT:	$2.1 M
								-ADDS 3RD PARTY DAMAGES:	$0.6 M
								LEGISLATURE:	
								-ADDS PERS:	$0.8 M
								-ADJUSTS TECHNICAL ERROR:	$0.8 M
								-CUTS SNOW AND ICE:	($2.1) M
25	OP	DEPARTMENT OF TRANSPORTATION HIGHWAY MANAGEMENT - PROGRAM P							
		MOTOR VEHICLE FUND - ST.	14,297,629	15,811,387	15,875,977	11.04%	0.41%		
		TOTAL	14,297,629	15,811,387	15,875,977	11.04%	0.41%		
26	CAP &	DEPARTMENT OF TRANSPORTATION CITY/COUNTY PROGRAM - PROGRAM R							
		MOTOR VEHICLE FUND - ST.	2,550,000	1,449,880	1,450,000	-43.14%	0.01%	1985-87 VS GOVERNOR:	
		MOTOR VEHICLE FUND - FED./LOC.	114,400,000	160,883,896	172,678,262	50.94%	7.33%	-ADDS MT. ST. HELEN'S HIGHWAY:	$40.0 M
		TOTAL	116,950,000	162,333,776	174,128,262	48.89%	7.27%	(100% FED. REIMBURSABLE)	
								LEGISLATURE:	
								ADDS METRO BUS RAMP:	$12.0 M
								(100% REIMBURSABLE)	

SEC	OP OR CAP	AGENCY FUND	ESTIMATED 1985-87	GOVERNOR'S REQUEST	LEGISLATIVE VERSION	85-87 VS.LEG. % CHANGE	LEG. VS. GOV. % CHANGE	COMMENTS	
27	OP	DEPARTMENT OF TRANSPORTATION							
		EXEC. MGMT. & MGMT. SERVICES - PROGRAM S							
		AERONAUTICS ACCT. - ST.	8,434	8,512	9,371	11.11%	10.09%	1985-87 VS. GOVERNOR:	
		GENERAL FUND - ST.	19,000	20,363	15,194	-20.03%	-25.38%	-ADDS FERRY SYSTEM INTEGRATION	
		PUGET SOUND CAP. CONST. ACCT. - ST.	205,869	208,625	217,442	5.62%	4.23%	PROGRAM(I.E. PAYROLL PROJECT):	$2.6 M
		PUGET SOUND FERRY OP. ACCT. - ST.	473,000	1,822,952	459,076	-2.94%	-74.82%	-ADDT'L CHARGES FROM	
		FERRY SYSTEM FUND	NA	NA	1,071,178	N/A	N/A	OTHER AGENCIES:	$3.8 M
		MOTOR VEHICLE FUND - ST.	26,369,034	32,331,284	33,518,176	27.11%	3.67%	-ADDS CENTENNIAL MAPS:	$0.1 M
		TOTAL	27,075,337	34,391,736	35,290,437	30.34%	2.61%		
28	OP	DEPARTMENT OF TRANSPORTATION							
		PLANNING & PUBLIC TRANS. - PROGRAM T							
		GENERAL FUND - ST.	596,807	559,815	576,698	-3.37%	3.02%		
		GENERAL FUND - FED./LOC.	4,858,260	3,954,477	3,955,602	-18.58%	0.03%		
		MOTOR VEHICLE FUND - ST.	3,115,398	6,224,964	6,280,453	101.59%	0.89%		
		MOTOR VEHICLE FUND - FED.	12,479,000	10,800,000	10,802,000	-13.44%	0.02%		
		TOTAL	21,049,465	21,539,256	21,614,753	2.69%	0.35%		
29	CAP	DEPARTMENT OF TRANSPORTATION							
		MARINE DIVISION - PROGRAM W							
		PUGET SOUND CAP. CONST. ACCT. - ST.	51,700,000	65,157,831	65,250,831	26.21%	0.14%	1985-87 VS GOVERNOR:	
		PUGET SOUND CAP CONST. ACCT. - FED.	1,973,800	8,500,000	8,500,000	330.64%	0.00%	-ADDS PASSENGER ONLY SERVICES:	$5.0
		TOTAL	53,673,800	73,657,831	73,750,831	37.41%	0.13%	-ADDS VASHON TERMINAL:	$1.0
								-ADDS MAJOR VESSEL RENOVATIONS:	$6.0
								-INCLD'S REAPPROPRIATION:	$3.5
								-ADDS ASBESTOS CONTROL:	$2.2
								-PROJECTS IN PROGRESS:	$3.4
								LEGISLATURE:	
								-CUTS VESSEL TO TERMINAL	
								EQUIPMENT COMMUNICATIONS:	($.2)

SEC	OP OR CAP	AGENCY FUND	ESTIMATED 1985-87	GOVERNOR'S REQUEST	LEGISLATIVE VERSION	85-87 VS.LEG. % CHANGE	LEG. VS. GOV. % CHANGE	COMMENTS	
		DEPARTMENT OF TRANSPORTATION							
30	OP	MARINE DIVISION - PROGRAM X							
		PUGET SOUND OPERATING ACCT.	46,021,557	44,160,248	45,896,956	-0.27%	3.93%	1985-87 VS GOVERNOR:	
		FERRY SYSTEM FUND-STATE	107,383,632	103,040,578	107,092,897	-0.27%	3.93%	-CUTS MAINTENANCE:	($4.3) M
		TOTAL	153,405,189	147,200,826	152,989,853	-0.27%	3.93%	-FUEL COST SAVINGS:	($4.3) M
								-CUTS EXPO EXPENSES:	($2.5) M
								-CUTS PASSENGER ONLY TRIAL:	($1.2) M
								-ADDS INFLATION:	$2.3 M
								-ADDS PASSENGER ONLY SERVICES	$3.3 M
								-ADDS MARINE TRAINING	$0.4 M
								LEGISLATURE:	
								-REVISED FUEL FORECAST AND RESTORATION OF PERS:	$3.0 M
31	OP	DEPARTMENT OF TRANSPORTATION						-APPROPRIATION FOR SALARY INCREASES:	$2.8 M
		MINORITY TRAINING - PROGRAM 09							
		GENERAL FUND -FED.	425,406	600,000	600,000	41.04%	0.00%		
		TOTAL	425,406	600,000	600,000	41.04%	0.00%		
		TOTAL DEPARTMENT OF TRANSPORTATION	1,511,135,903	1,630,592,766	1,629,823,034	7.85%	-0.05%		

WASHINGTON STATE PATROL
CAPITAL BUDGET

SEC.	AGENCY FUND	GARDNER VERSION	LEGISLATIVE VERSION	COMMENTS
45	STATE PATROL BELLINGHAM PORT OF ENTRY ST PATROL HYWY ACCT	150,000	150,000	
	TOTAL	150,000	150,000	$150,000 IS A REAPPROP. TOTAL COST IS $462,000
46	STATE PATROL MINOR WORKS ST PATROL HYWY ACCT	868,000	868,000	
	TOTAL	868,000	868,000	TOTAL COST IS $1,393,000
47	STATE PATROL CONTINGENCY REQUEST ST PATROL HYWY ACCT	411,000	411,000	
	TOTAL	411,000	411,000	TOTAL COST IS $577,000
48	STATE PATROL SPOKANE HEADQUARTERS ST PATROL HYWY ACCT	2,391,000	2,391,000	
	TOTAL	2,391,000	2,391,000	TOTAL COST IS $2,391,000
49	STATE PATROL WENATCHEE HEADQUARTERS ST PATROL HYWY ACCT	1,761,000	1,761,000	
	TOTAL	1,761,000	1,761,000	TOTAL COST IS $ 1,761,000
50	STATE PATROL TACOMA HEADQUARTERS ST PATROL HYWY ACCT	53,000	53,000	
	TOTAL	53,000	53,000	TOTAL COST IS $2,386,000

* GARDNER'S WSP SERVICES ACCT. NOT SHOWN

WASHINGTON STATE PATROL
CAPITAL BUDGET

SEC.	AGENCY FUND	GARDNER VERSION	LEGISLATIVE VERSION	COMMENTS
51	STATE PATROL MOUNT VERNON OFFICE			
	ST PATROL HYWY ACCT	639,000	639,000	
	TOTAL	639,000	639,000	TOTAL COST IS $ 639,000
52	STATE PATROL EVERETT HEADQUARTERS			
	ST PATROL HYWY ACCT	53,000	53,000	
	TOTAL	53,000	53,000	TOTAL COST IS $ 2,386,000
53	STATE PATROL QUINAULT-MICROWAVE REPEATER			
	ST PATROL HYWY ACCT	219,000	219,000	
	TOTAL	219,000	219,000	TOTAL COST IS $ 219,000
54	STATE PATROL MAINTENANCE SHOP			
	ST PATROL HYWY ACCT	133,000	133,000	
	TOTAL	133,000	133,000	TOTAL COST IS $7,540,000
55	STATE PATROL BELLEVUE-COMMUNICATIONS TOWER			
	ST PATROL HYWY ACCT	374,000	374,000	
	TOTAL	374,000	374,000	TOTAL COST IS $ 374,000
56	STATE PATROL OLYMPIA HEADQUARTERS			
	ST PATROL HYWY ACCT	7,500,000	7,500,000	
	TOTAL	7,500,000	7,500,000	

* GARDNER'S WSP SERVICES ACCT. NOT SHOWN

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Background

The Washington State Sunset Act was adopted in 1977 as a means to improve legislative oversight of state agencies and programs. The sunset process combines an automatic termination schedule of selected state agencies, programs and statutes with a system of program and fiscal reviews that 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.

Session Summary

In accordance with previous legislative direction and the Sunset Act, the Legislative Budget Committee submitted eight performance audit reports to the Legislature in 1987. The reports, covering agencies and programs scheduled for termination on June 30, 1987, were referred to the appropriate Senate and House standing committees for review.

Agencies and Programs Reauthorized or Modified

State Productivity Board HB 91 (C 387 L 87)
House Committee on State Government
Senate Committee on Governmental Operations

The State Productivity Board is reauthorized with modifications and removed from the sunset process.

Modifications: The Board's administrative costs are appropriated by the Legislature from the Department of Personnel service fund. Three new members are added to the Board.

Western Library Network HB 135 (C 389 L 87)
House Committee on State Government
Senate Committee on Governmental Operations

The Western Library Network (WLN) is reauthorized with modifications and removed from the sunset process.

Modifications: The State Data Processing Authority ceases to approve WLN pricing policies. Consideration of the Network's services and prices are exempt from the Open Public Meetings Act.

State Cemetery Board SHB 450 (C 331 L 87)
House Committee on State Government
Senate Committee on Governmental Operations

The State Cemetery Board is reauthorized with modifications and removed from the sunset process.

Modifications: The administrative functions of the Board are transferred to the Department of Licensing. The Board is authorized to protect trust funds by immediately seizing funds that are in jeopardy.

Community Economic Revitalization Board **SHB 743 (C 422 L 87)**
House Committee on Trade & Economic Development
Senate Committee on Commerce & Labor

The Community Revitalization Board (CERB) is reauthorized and scheduled to terminate under the sunset process on June 30, 1993.

Modifications: The number of members on the Board is reduced from 22 to 15 members; five executive agency directors serve as nonvoting ex officio members.

Chiropractic Disciplinary Board **SHB 1004 (C 160 L 87)**
House Committee on Health Care
Senate Committee on Human Services & Corrections

The Chiropractic Disciplinary Board is reauthorized and rescheduled for termination under the sunset process on June 30, 1997.

Modifications: None.

Department of Services for the Blind **SB 5148 (C 60 L 87)**
Senate Committee on Governmental Operations
House Committee on State Government

The Department of Services for the Blind is reauthorized and removed from the sunset process.

Modifications: None.

Midwifery Advisory Committee SSB 5163 (C 467 L 87)
Senate Committee on Human Services & Corrections
House Committee on Health Care

The Midwifery Advisory Committee is reauthorized with modifications and removed from the sunset process.

Modifications: The Department of Licensing is required to establish rules to grant credit for documented deliveries by unlicensed midwives or those licensed by other states. The terms of committee members are extended to five years.

Regulation of Drugless Healing SB 5219 (C 447 L 87)
Senate Committee on Human Services & Corrections
House Committee on Health Care

The Drugless Healing Act (18.36 RCW) is repealed on June 30, 1988 and replaced with the Naturopathic Physician Act, which is scheduled to terminate under the sunset process on June 30, 1993.

Modifications: No person may practice naturopathy without a license. The definition of naturopathy includes diagnosis, prevention and treatment of disorders of the body to stimulate or support natural healing processes. A five-member naturopathic advisory committee is established.

Agencies or Programs Scheduled for Sunset Review

Regulation of radiological technologists and nuclear medicine technologists
June 30, 1990 (SHB 134)

Satellite facilities (parimutuel wagering)
October 31, 1991 (SHB 984)

Motor Vehicles Express Warranties Act (RCW 19.118)
June 30, 1992 (SSB 5502)

Governor's Small Business Improvement Council
June 30, 1992 (SSB 5530)

State Lottery
June 30, 1992 (SHB 26)

Washington Sunrise Act
June 30, 1992 (SB 5764)

Business Assistance Center
June 30, 1992 (SSB 5530)

Regulation of counselors, social workers, mental health counselors, and marriage and family counselors
June 30, 1993 (SHB 129)

Washington State Naturopathic Practice Advisory Committee
June 30, 1993 (SB 5219)

* Review of special purpose district laws (except school districts)
June 30, 1993 (HB 39)

Community Economic Revitalization Board (CERB)
June 30, 1993 (SHB 743)

Department of Information Services
June 30, 1994 (2SSB 5555)

Information Services Board
June 30, 1994 (2SSB 5555)

** Future teachers conditional scholarship program
June 30, 1994 (SHB 857)

Office of Minority and Women's Business Enterprises
June 30, 1995 (SB 5529) Rescheduled from June 30, 1990

Data Processing and Communication Systems Act
June 30, 1995 (2SSB 5555)

Washington State Commission on Hispanic Affairs
June 30, 1996 (SSB 5191)

Chiropractic Disciplinary Board
June 30, 1997 (SHB 1004)

* Expansion of sunset process to statutes affecting local governments

** Not subject to full sunset review

Section II

Veto Messages

House Bills
Senate Bills

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STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, House of Representatives
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 6 and 15, Substitute House Bill No. 2, entitled:

"AN ACT Relating to special purpose districts."

Sections 6 and 15, if signed, would result in an identical double amendment of sections 1 and 2 of House Bill No. 643, which I have already signed into law. For this reason, I have vetoed sections 6 and 15.

With the exceptions of sections 6 and 15, Substitute House Bill No. 2 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

May 19, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 20, 23, 75 and 86, Engrossed substitute House Bill No. 25, entitled:

"AN ACT Relating to state government."

Section 1 requires the Office of Financial Management to suggest a system to control the purchases of furniture by state agencies. While the existing system is not perfect, it does provide for some flexibility so that agencies may operate efficiently while at the same time allowing executive and legislative control through the budget process. The system envisioned by this section would add an additional layer of bureaucracy to a single part of the state purchasing system and would be costly to administer.

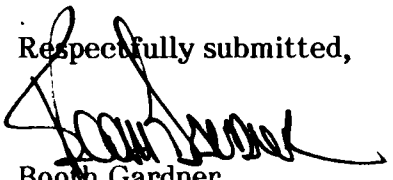
Improvements are possible in many areas of state government, and purchasing is one of these areas. I think that any changes in furniture purchasing should be considered in the context of improvements of the overall system. Therefore, I have vetoed section 1.

Three sections of Engrossed Substitute House Bill No. 25 contain amendments that conflict with other bills receiving my signature. Section 20 amends RCW 39.19.030(8), which is also amended by Engrossed Senate Bill 5529, section 3. Section 23 amends RCW 39.86.070, which is repealed by Substitute House Bill 739, section 13(8). Section 75 amends RCW 77.04.110, which is repealed by Engrossed Second Substitute House Bill 758, section 98. These amendments are incompatible, so I have vetoed these sections to avoid confusion.

Section 86 requires all state publications which are to be sent to legislators to be routed through the State Library. I fully agree that state agencies should limit publications to the Legislature to what is necessary. However, the language in section 86 is overly broad and could result in delays of critical information to the Legislature. To keep with the intent of this section, I will direct the Office of Financial Management to work with agencies to devise a system that will distribute their publications more efficiently and effectively.

With the exception of sections 1, 20, 23, 75 and 86, Engrossed Substitute House Bill 25 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2(1)(k), 5, 10 and 12, Engrossed Substitute House Bill No. 26, entitled:

"AN ACT Relating to the lottery."

Section 2(1)(k) and portions of section 10 would require the Lottery to pay out exactly 45% of revenue as prizes. This requirement is technically impractical, since it is not possible to predict when Lotto prizes will be won. The present language requiring prize payments "not be less than forty-five percent" is preferable.

Section 5 requires the Lottery to notify local governments prior to the licensing of a business to sell lottery tickets, and provides for the denial of a license if the business is a non-conforming use. The Lottery currently has 3,900 retail outlets and issues approximately 600 new licenses per year. Notification of the appropriate executive bodies would place an unreasonable administrative burden on the agency. To address the needs of local governments, the Lottery has developed procedures that require prospective licensees to obtain permission from the local executive body if they are non-conforming uses.

Sections 10 and 12 require that costs of advertising and game-related services be appropriated. The current system under which these costs are budgeted and allotted, but not appropriated, has been satisfactory. The restriction would deny the Lottery the flexibility it needs to carry out its program and respond to changing conditions.

With the exception of Sections 2(1)(k), 5, 10 and 12, Engrossed Substitute House Bill No. 26 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 32, 33, 34, 37, 52, 53 and 54, Substitute House Bill No. 48, entitled:

"AN ACT Relating to parenting."

This legislation is part of a comprehensive approach by the Legislature to respond to pressing children's issues. As a result, several bills overlap each other. Sections 32, 33 and 34 of Substitute House Bill No. 48 affect how child support payments are made. Substitute House Bill No. 420, an act creating the child support registry, also affects the child support payments process. If both bills were signed into law, there would be conflicting interpretations of the law on support orders, wage assignments, and directions to the court. To eliminate this ambiguity, I believe Substitute House Bill No. 420, which is more thorough, should take precedence. Therefore, I have vetoed sections 32, 33 and 34 of Substitute House Bill No. 48.

Section 37 of Substitute House Bill No. 48 concerns modification of support orders and merely re-codifies RCW 26.09.170. Substitute House Bill No. 413 amends this section of law. The amended language is preferable and a veto of section 37 will eliminate ambiguity.

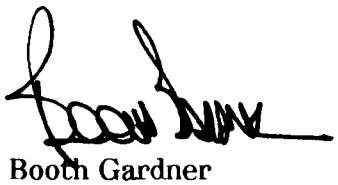
Sections 52, 53 and 54 amend statutes having to do with custodial interference. These sections are very similar to Substitute Senate Bill No. 5088, which I have vetoed. While I agree that non-custodial parents deserve fair treatment when their visitation rights are abused, I am concerned that involving the police in settling non-violent visitation disputes where harm to the child is not evident is an improper approach.

To the Honorable, the House of
Representatives of the
State of Washington
May 18, 1987
Page 2

I have been asked to veto section 3(3)(f) because of concerns that it would give an unfair advantage to those more financially well-off in parenting/custodial decisions. However, as this is only one factor in a non-exclusive list of factors describing parenting functions, I am confident that the courts will not use this to discriminate against less well-off parents, usually women, in custody cases. However, if after experience it appears that discrimination is occurring, I will support a change to the law.

With the exceptions of sections 32, 33, 34, 37, 52, 53 and 54, Substitute House Bill No. 48 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 12, Engrossed Substitute House Bill No. 88, entitled:

"AN ACT Relating to personal service contracts."

This bill establishes a policy of open competition for all personal service contracts and directs the Office of Financial Management to establish procedures for competitive solicitation, record-keeping, reporting and filing of contracts to implement this bill.

Section 12 declares an emergency and directs that the bill take effect immediately. The Office of Financial Management must have time to establish the required procedures and communicate these new procedures to all state agencies, institutions, boards and commissions. Allowing this bill to become effective upon signing, with no procedures established, would result in confusion for state agencies attempting to carry on their contracting activities and comply with new requirements which have not been fully developed. A normal ninety day effective date will allow the program to be fully developed and give agencies the opportunity to understand the new procedures which should assist compliance.

With the exception of section 12, Engrossed Substitute House Bill No. 88 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 23(1), Substitute House Bill No. 129, entitled:

"AN ACT Relating to counselors, social workers, mental health counselors and marriage and family therapists."

Section 23(1) adds those persons who will come under registration or certification by Substitute House Bill No. 129 to the list of persons mandated to report incidents of child or adult dependent person abuse or neglect in RCW 26.44.030.

Section 10 of Engrossed Second Substitute Senate Bill No. 5659 adds licensed or certified child care providers or their employees and juvenile probation officers to the list of mandated reporters in RCW 26.44.030. This section is an appropriate addition to the mandated reporting law.

While some counselors have direct contact with children, all licensed or certified child care providers and their employees and juvenile probation officers have direct contact with children and should be a higher priority to be added as mandated reporters of child and adult dependent person abuse and neglect. Therefore, I have vetoed section 23(1) of Substitute House Bill No. 129.

With the exception of section 23(1), Substitute House Bill No. 129 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Engrossed Substitute House Bill No. 134, entitled:

"AN ACT relating to certifying radiological technologists and nuclear medicine technologists."

This bill provides that "no person may represent himself or herself to the public as a certified radiological technologist without holding a valid certificate to practice" from the state. It authorizes the Department of Licensing to set and collect fees and to designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate. It also authorizes the department to determine whether alternative methods of training are equivalent to formal education, and to allow proof of alternative training to determine the applicant's eligibility to receive a certificate. The bill does not provide for the state to establish any testing or competency test in order for applicants to receive certification.

Section 4 establishes certain exemptions from certification. These exemptions are unnecessary because certification is voluntary and is only required by people who want to represent themselves as certified radiological technologists. The lack of certification does not prohibit someone from practicing in the field of radiological technology. This section further confuses the meaning of the bill by referring to people who are unlicensed in section 4 even though this bill does not provide for a licensing (inability to practice without a certificate) approach.

With the exception of section 4, Engrossed Substitute House Bill No. 134 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 15, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 5, House Bill No. 135, entitled:

"AN ACT Relating to the western library network."

Section 1 of House Bill No. 135 amends RCW 27.26.020. Section 13 of Second Substitute Senate Bill No. 5555 contains identical language. Therefore, I have vetoed section 1 in order to avoid confusion.

Section 5 amends RCW 43.105.130. Identical language is contained in section 12 which also contains additional language in Second Substitute Senate Bill No. 5555. Hence, I have vetoed section 5.

With the exception of sections 1 and 5, House Bill No. 135 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 12, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, House Bill No. 146, entitled:

"AN ACT Relating to credit unions."

This bill makes several changes to the Credit Union Code as revised by the Legislature in 1984. State chartered credit unions are now granted the authority to engage in activities permitted for federal credit unions in this update.

Section 5 of House Bill No. 146 is applicable to all credit union members with sums owing a credit union. It would significantly expand a credit union's authority over access to members' accounts without establishing adequate limitations on the exercise of this authority. If this section were left in, it would grant a statutory right of immediate set-off which would allow a credit union the right to refuse withdrawals from any share account of a member who owes any sum to the credit union. I do not feel that it is necessary to create this statutory right. Typically, members are asked by their credit unions to sign a consensual lien on their shares as collateral for loans. It is my understanding that other organizations in the banking industry do not have similar statutory lien rights but, like credit unions, must rely on consensual authorization from their depositors. For this reason I have vetoed section 5.

With the exception of section 5, House Bill No. 146 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4, 5, and 14, Engrossed Second Substitute House Bill No. 164, entitled:

"AN Act Relating to funding the Washington housing trust fund."

Engrossed Second Substitute House Bill No. 164 provides funding from interest earnings on nominal deposits of real estate earnest money. A low income housing assistance advisory committee is established to advise the director of the Department of Community Development. A brokers' trust account board is created with final authority over the award of housing grant funds from this financing source. Twenty-five percent of the aggregated interest on brokers' trust accounts is directed to the real estate commission account for licensee education activities.

Sections 4 and 5 of the bill delete language related to social services that was included in the original enabling legislation. This language includes special support services directly related to housing as an eligible activity for the award of housing trust grant funds. Although the majority of these funds are intended for housing activities related to construction and rehabilitation, it is also important to retain the trust funds' flexibility to meet unique housing services needs as these arise.

Removal of these sections results in the elimination of new language to explicitly include the homeless as a target group for trust fund grants. This does not represent a substantive change, however, because shelters and other services for the homeless are already designated as eligible activities for receipt of funds in section 6 of the enabling statute.

To the Honorable, the House of
Representatives of the
State of Washington
May 19, 1987
Page 2

Section 14 was inadvertently left in the bill after interest earnings on tenant security deposits was removed as a potential trust funding source. I am removing this section to avoid confusion.

With the exception of sections 4, 5, and 14, Engrossed Second Substitute House Bill No. 164 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, House Bill No. 171, entitled:

"AN ACT Relating to community colleges."

Section 2 amends RCW 28B.50.100, which is also amended by duplicate language in section 1001 of Engrossed Substitute House Bill No. 454, which I have already signed. Therefore, I have vetoed section 2 to avoid duplication.

With the exception of section 2, House Bill No. 171 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 15, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 12, Engrossed Second Substitute House Bill No. 196, entitled:

"AN ACT Relating to driving without a license."

Section 12 of this bill repeals RCW 46.20.416 which prohibits driving while in a suspended or revoked status. Section 1 of the bill incorporates the provisions of that statute into RCW 46.20.342.

The repeal affected by section 12 occurs ninety days after the end of the regular legislative session just completed. However, new statutory language to replace that provision does not take effect until July 1, 1988, as provided in section 13. Without a veto of section 12, this prohibition would lapse for approximately one year which would be an undesirable and unintended lapse in our suspension of driver license law.

With the exception of section 12, Engrossed Second Substitute House Bill No. 196 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 226, entitled:

"AN ACT Relating to public employers."

This bill would invalidate the 1975 Supreme Court case, Zylstra v. Piva, 85 Wn. 2d 743, which insured collective bargaining for Superior Court employees whose wages are set by the county for all matters under the control of the county, "specifically matters relating to wages, including benefits relating directly to wages such as medical insurance". However, the decision held that for purposes of hiring, firing and working conditions, and other matters necessarily within the statutory responsibility of the court (Judicial Branch) collective bargaining did not apply. The court indicated, "Our solution seeks to preserve for these employees as large a sphere of collective bargaining as possible, in accord with the stated purpose of the bargaining act."

This bill would change perceptions of independence that the courts have with the public. To require the judiciary to be involved in the collective bargaining process will impact the public's view of its impartiality on similar labor issues.

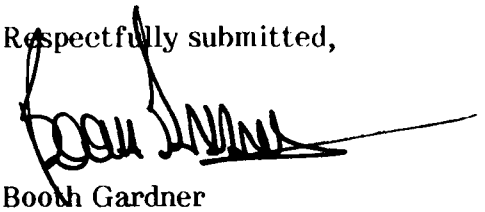
The bill would be more acceptable if the application and scope were limited to court employees who are under the control and supervision of a court administrator hired by the court to handle personnel and administrative matters. This approach would not involve the judges directly in the bargaining process and exclude the judge's personal staff which works with them in the courtroom every day.

To the Honorable, the House of
Representatives of the
State of Washington
May 19, 1987
Page 2

Given the unique operation of the judicial system and the fact that each elected judge has separate control over individual employees, I do not believe the extension of collective bargaining to the matters within the direct control of the judges is appropriate.

For the above reasons, I have vetoed Substitute House Bill No. 226.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

June 12, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 408(1) and 412, ReEngrossed Substitute House Bill No. 327, entitled:

"AN ACT Adopting the capital budget."

Section 408(1), Page 42, State Board of Education

This subsection eliminates the "super match" for school projects related to desegregation or vocational technical assistance. There are several jurisdictions around the state which have approved bond issues based on the premise that they would qualify for this funding. To change the rules now would mean these projects could not go forward. I do not believe this is appropriate.

However, I am concerned about the policy of providing "super match" for specific types of projects. During the interim, I intend to review this policy and determine whether legislation affecting future projects should be offered.

Section 412, Page 43, Superintendent of Public Instruction

This section provides funds for capital planning and interim transportation costs for Nine Mile Falls School District. From discussions with representatives of the district, it appears that the purpose is incorrectly stated. It is supposed to be used for costs related to the transition of the district from a non-high to a high school district. However, the citizens of the district have already provided sufficient levy money to cover all these costs, which include the cost of bonds for the new high school and payments to other school districts for taking Nine Mile Falls high school students while the new school is being constructed. There is no justification for appropriating these funds.

With the exception of sections 408(1) and 412, ReEngrossed Substitute House Bill No. 327 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3(1) and 3(3), Substitute House Bill No. 425, entitled:

"AN ACT Relating to district heating systems."

The intent of the legislation, as stated in section 1, is "to provide a streamlined permitting system which will encourage development and efficient utilization and distribution of heat while continuing to provide reasonable consumer protections." Section 3(1) and 3(3) contradict this intent.

Section 3(1) states that the intent of the legislation is to minimize "any long-term rate impacts on customers of existing utilities." While harmful impacts should be minimized, I do not believe that beneficial impacts should be limited. Further, limiting consumer benefits contradicts the legislative intent of consumer protection.

Section 3(3) requires that public hearings be used to determine the effects district heating have on long-term utility rates. State law currently provides consumer protection by (1) requiring the establishment of district heating only by municipal legislative ordinance and (2) requiring the legislative authority to estimate consumer costs of such a system (RCW 35.97.050-060). Instead of streamlining the permitting system, section 3(3) retards the advancement of district heating while not furthering consumer protection.

With the exception of sections 3(1) and 3(3), Substitute House Bill No. 425 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Engrossed House Bill No. 435 entitled:

"AN ACT Relating to real estate brokers and salesmen."

Section 8 would exempt from the real estate excise tax assumed mortgages on real property which are refinanced.

Refinancing assumed mortgages is simply one means of financing the purchase of real property; no public goal or objective is served by this selective exemption. Washington cannot afford the loss of several million dollars caused by such an exemption.

With the exception of section 8, Engrossed House Bill No. 435 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 14, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to one subsection, Substitute House Bill No. 440, entitled:

"AN ACT Relating to retirement of elected officials of a city or town."

Section 1 (3)(c) of this bill is similar and serves the same purpose as section 5 of Engrossed Substitute Senate Bill No. 5150, which is preferable and is now Chapter 192, Laws of 1987. I have therefore vetoed section 1(3)(c).

With the exception of section 1(3)(c), Substitute House Bill No. 440 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3(6), 3(16), 20(7) and 20(8), Engrossed Second Substitute House Bill No. 448, entitled:

"AN ACT Relating to the family independence program."

This bill is the beginning of a new opportunity for the needy of our state to achieve independence, to free themselves from reliance on government assistance and to achieve a better standard of living. I appreciate the efforts of those in the Legislature who have worked with me to make this opportunity possible, and I want to thank them for their support. The final version of the bill, however, contains some flaws, and I find it necessary to veto several items to ensure a smooth start for the program. These problems are surprisingly few for a measure of this scope.

Section 3(6) contains a definition of "Family Opportunity Councils" that conflicts with the description of these councils found elsewhere in the bill. The description in section 6 provides clearer direction to the councils and should stand alone.

Section 3(16) adopts a definition of placement which describes full-time employment as "thirty hours or more per week." Using this definition could have a significant fiscal impact by increasing the number of enrollees who would receive the maximum benefit level. In order to make sure that the program can be accomplished with existing resources, this definition should be deleted.

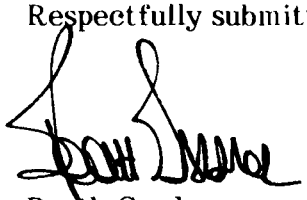
To the Honorable, the House of
Representatives of the
State of Washington
May 18, 1987
Page 2

Section 20(7) would prevent the implementation of the Family Independence Program in any county in which the average unemployment rate is more than twice the state-wide average. This means that we would not be able to offer critically needed services to enrollees in economically distressed counties, even though it is these counties that could benefit the most from the creation of jobs through the job subsidy mechanism.

Section 20(8) would require the implementation of mandatory monthly reporting in at least one region. Data on both the state and national level has shown that mandatory monthly reporting is not cost effective. This provision would lead to increased administrative costs and complexity without compensating savings.

With the exception of sections 3(6), 3(16), 20(7) and 20(8), Engrossed Second Substitute House Bill No. 448 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to sections 111 through 115, 201 through 204, 221, 225 through 232, 306, 307, 308, 309, and 410, Second Substitute House Bill No. 456 entitled:

"AN ACT Relating to education."

This measure was introduced at my request. Its provisions deal with a wide range of problems encountered by children who are at risk of failure in school.

A number of amendments which created new programs were added to this bill during the legislative process. While I believe most of these programs are meritorious, I am vetoing those for which the Legislature provided no funding. Adding unfunded programs to substantive law gives false hope to those who would benefit from them. For this reason, I have vetoed sections which would have created a parents as first teachers program (sections 111 through 115), a grants-based program to provide elementary counselors (sections 201 through 204), and a multi-purpose block grant program (sections 225 through 232). I hope the Legislature will reconsider these programs, particularly the elementary counselors provisions, at some future time when funding may be available.

In addition, I am vetoing Section 221 which creates a mandatory increase in funding for gifted students but which was not funded in the budget.

Sections 306 through 308 permit state employees to use sick leave to participate in school activities. Similar provisions in the bill I requested were tied to approved parent participation programs developed by school districts. The lack of provisions to ensure that leave is used for meaningful participation fundamentally alters the concept and could lead to abuse.

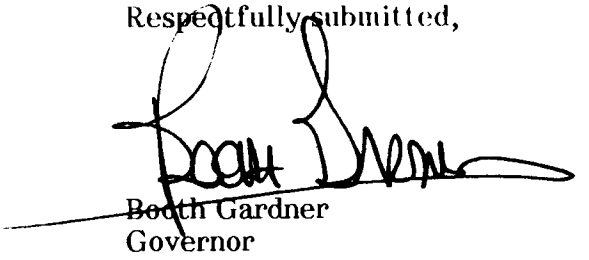
To the Honorable, the House of
Representatives of the
State of Washington
May 19, 1987
Page 2

Section 309 was likewise in the original bill. I included this provision anticipating that the Legislature would provide increased revenues for education and provide me with a budget with a decent reserve and a reasonable amount of management flexibility. With the budget which was actually approved by the Legislature, I have reluctantly concluded that the tax exemption for donated equipment might lead to an unacceptable loss of revenue.

Section 410 is standard null and void language which is unnecessary since the balance of Second Substitute House Bill No. 456 was funded in the budget.

With the exception of sections 111 through 115, 201 through 204, 221, 225 through 232, 306, 307, 308, 309, and 410 which I have vetoed, Second Substitute House Bill No. 456 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, House Bill No. 462, entitled:

"AN ACT Relating to industrial insurance payments and penalties."

Section 3 of this bill would limit the workers' compensation benefits that can be paid to offenders injured or killed while performing community service. Those who are performing court-ordered community service would be able to receive medical treatment for their injuries, but would be excluded from receiving compensation for lost wages.

This provision is reasonable if applied to those who are incarcerated or who have no actual loss of wages because they are not employed, but it would also affect some who have regular employment. This section would prevent those who suffer an economic loss because of an accident while performing community service from collecting compensatory benefits under industrial insurance. Further, it may open the state to liability for time loss resulting from such an accident.

Coverage of community service workers under the industrial insurance system is at the option of the government or non-profit agency for which the service is performed. Those agencies that would like to provide for the possible needs of these workers and at the same time protect themselves from unknown financial liability should have this opportunity.

In order to address the question of payment of time loss benefits to those who have no regular income, I am asking the Department of Labor and Industries to work with the proponents of this proposal to develop a solution that will be equitable to all concerned.

With the exception of section 3, House Bill No. 462 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

CORRECTED COPY

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 3, Engrossed Substitute House Bill No. 498, entitled:

"AN ACT Relating to collective bargaining for firefighters and emergency medical personnel."

Section 1 expands for the first time the definition of "uniform personnel" beyond law enforcement officers and firefighters as defined under RCW 41.26.030, which is the LEOFF Retirement Act. This bill would add employees regularly employed on a full-time basis in a public fire department with duties related to fire, investigation, inspection and dispatch.

There are public policy reasons for binding interest arbitration as the ultimate collective bargaining dispute resolution for "essential public safety employees" (i.e. police officers and firefighters). The employees who would be added under this bill are different in terms of how essential they are to the maintenance of public safety. At this point we have a strong and clearly defined line in the law between what is "essential" to public safety and what is not. If this bill becomes law, that line becomes blurred.

I do feel that employees engaged in fire investigation, fire inspection and fire dispatching provide needed and important services similar to those provided by a number of other public employees in other occupations, including dispatchers employed in joint communication centers which dispatch fire, police and emergency vehicle responses. If this bill were signed into law, many other groups would ask for inclusion under what would be an uncertain and an expanded use of the term "essential services". All of these employees have full collective bargaining rights now, and I do not feel the expansion is neeessary to protect public safety.

To the Honorable, the House of
Representatives of the
State of Washington
May 19, 1987
Page 2

Section 3 is vetoed to reinstate the law to its present status, since the change in section 1 is vetoed.

With the exception of sections 1 and 3, Engrossed Substitute House Bill No 498 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to a portion of section 4(1), sections 5, 6, 7, 10, 15, 16 and 17, Second Substitute House Bill No. 586, entitled:

"AN ACT Relating to child abuse and neglect."

This legislation is a direct response to the need for improved and coordinated services to protect our children from abuse and neglect. I heartily support the thrust of this bill and want to ensure its component parts do not duplicate other bills.

Section 6 establishes a joint select committee on children and family services to provide oversight over a comprehensive children's services pilot project and to develop a long-term children's services strategy for the state. This is similar to the objectives required in Substitute House Bill No. 813, which establishes the Governor's Commission on Children. Therefore, this section is duplicative and unnecessary.

Since I have vetoed section 6, which would create the joint select committee on children and family services, I have vetoed a portion of section 4(1) and section 5 since these references to the joint select committee on children and family services have become unnecessary. The bill still instructs the Department of Social and Health Services to provide a detailed implementation plan for the pilot projects to the Legislature.

To the Honorable, the House of
Representatives of the
State of Washington
May 19, 1987
Page 2

Section 7 requires the pilot projects to expire on December 31, 1989. This duplicates the termination date in section 4. Therefore, I have vetoed section 7.

Sections 10, 15, 16 and 17 designate specific expenditures for child protective services. I am supportive of the ideas behind these improvement measures but the hiring of specific numbers of attorneys and caseworkers, for example, would be more appropriately found in a budget bill. In addition, with the final passage of the 1987-89 biennium budget having occurred, there will be funds for some of these enhancements. Therefore, I have vetoed sections 10, 15, 16 and 17.

With the exceptions of a portion of section 4(1), sections 5, 6, 7, 10, 15, 16 and 17, Second Substitute House Bill No. 586 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 13, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 22, Substitute House Bill No. 614, entitled:

"AN ACT Relating to absentee voting."

Section 22 contains identical language to a bill I have already signed into law, Substitute Senate Bill No. 5045, section 2. I would note the language is identical except that the bill already signed into law has an additional new paragraph not contained in section 22 of Substitute House Bill No. 614. To avoid confusion in the law, I have vetoed section 22.

With the exception of section 22, Substitute House Bill No. 614 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to part of section 1, Substitute House Bill No. 630 entitled:

"AN ACT Relating to pilotage."

A portion of section 1 of this bill amends the requirements for public members appointed to the board of pilotage commissioners. The amendment prohibits such members from being licensed pilots or employees of a vessel operator for ten years preceding appointment and from having a direct financial interest in pilot-related business.

While I support the Legislature's intention to provide a balance among representatives to boards and commissions, I cannot support altering requirements that would affect the terms of existing members. Unfortunately, the Attorney General's office believes this amendment would necessitate the removal of a current board member. Should the Legislature pass similar legislation clearly affecting only future appointments and terms, I would give it more favorable consideration.

With the exception of part of section 1, Substitute House Bill No. 630 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 29, Engrossed Substitute House Bill No. 648, entitled:

"AN ACT Relating to noxious weed control."

Section 29 of this bill would require courts to distribute revenue received as a result of infractions issued by a noxious weed board in a different way than is currently prescribed by statute. As part of the Court Improvement Act of 1984, all court revenue is distributed according to a 68/32% formula between local and state government. The Court Improvement Act did away with an administratively expensive and cumbersome system of separate accounting for numerous small special purpose court collections. The unified and simplified system now in place is vastly superior to its predecessor. The change mandated by this section would be a step backward toward the old system.

With the exception of section 29, Engrossed Substitute House Bill No. 648 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to part of section 5, Second Substitute House Bill No. 684 entitled:

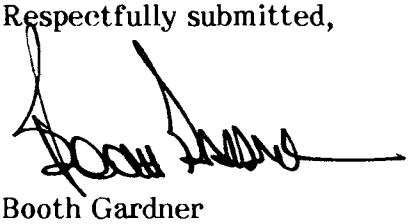
"AN ACT Relating to criminal sentencing"

Section 5 of this bill is intended to clarify legislative intent to prohibit multiple sentences for persons committing crimes that encompass the same criminal conduct. Such sentences are served concurrently but are counted separately for the purposes of determining offenders' sentencing scores for subsequent criminal acts.

During the legislative process, section 5 was amended twice to accomplish the same end. The language of the two amendments is incompatible and signing the bill in this form would have the unintended consequence of lowering offender scores for certain cases.

With the exception of part of section 5, Second Substitute House Bill No. 684 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

May 19, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 57, and 74(2), Engrossed Second Substitute House Bill No. 758, entitled:

"AN ACT Relating to the department of wildlife."

Engrossed Second Substitute House Bill No. 758 reorganizes the Department of Game into the Department of Wildlife. As part of this reorganization, greater authority is vested in the Director of Wildlife, the chief executive officer of the Department.

Section 57 requires the Director to employ a minimum of 85 field wildlife enforcement agents. As with other Departmental staffing decisions, a determination of the actual number of wildlife enforcement agents to be employed by the Department is more appropriately left to the Director's discretion. Enforcement is an important responsibility of the Department, and the Director is instructed to employ an adequate number of wildlife agents to ensure enforcement coverage throughout the state.

Section 74(2) would direct to the Wildlife Conservation Reward Fund, rather than to the Public Safety and Education Fund, certain reimbursements to the state for the value of game animals taken illegally. Section 74(2) would require courts to distribute revenue received from these reimbursements in a different way than is currently prescribed by statute. Currently, as part of the Court Improvement Act of 1984, all court revenue is distributed according to a 68/32% formula between local and state government. The state's 32% share goes into the Public Safety and Education Account and is used to support a variety of state programs, including some sponsored by the Department of Wildlife.

The Court Improvement Act did away with a very cumbersome system of separate accounting for numerous small special purpose court collections. The unified and simplified system now in place is superior to its predecessor. The change mandated by section 74(2) would be a step backward toward the old system.

With the exception of section 57, and 74(2), Engrossed Second Substitute House Bill No. 758 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

May 18, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Substitute House Bill No. 767, entitled:

"AN ACT Relating to respiratory care."

This bill provides for a certification system for respiratory care practitioners under the Department of Licensing. The Director may issue a certificate to any applicant who has graduated from an approved school or successfully completed alternative training which meets the criteria established, and may give an examination, and require completion of experience requirements.

This bill appears to be a certification-only regulation, i.e. limiting who can use a title, except for language contained in section 3 which makes the bill operate like a licensing regulation. This section says "An entity or person shall not employ or contract with persons engaging in respiratory care as respiratory care practitioners that have not received a certificate to practice...." This is not consistent with the other sections of the bill which provide for certification. Also, it is not appropriate to take a group such as this which has not previously been regulated and impose on them the most rigorous regulating standard, i.e. licensing.

I would also note that section 3 becomes effective 90 days after the adjournment of the legislature while section 4, which adopts the certification approach and requires certification for anyone who "uses any title" involving respiratory care, is not effective until September 15, 1987.

By vetoing section 3 of this bill, I am leaving intact a certification approach for respiratory care practitioners. However, I am rejecting the licensing approach for the reasons set forth above.

With the exception of section 3, Substitute House Bill No. 767 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 11, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 9, Engrossed House Bill No. 772, entitled:

"AN ACT Relating to the administration of property tax refunds, collections and revaluation plans."

This bill makes a number of changes to update and clarify various issues related to the administration of property taxes. I support these changes.

Section 9 would exempt owners of satellite dishes from the TV improvement district levy. Apparently there are only two TV improvement districts in the state and this technical amendment is not practical for them to implement. For this reason I have vetoed this section.

With the exception of section 9, Engrossed House Bill No. 772 is approved.

Sincerely,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to a portion of section 1(1), Second Substitute House Bill No. 813, entitled:

"AN ACT Relating to the governor's commission on children;"

I heartily support the establishment of a Governor's Commission on Children to develop a long-term strategy for an effective, comprehensive children's services delivery system. The bill, however, requires the commission to be composed of more legislators than citizens and requires that a legislator serve as chair of the commission. When commissions are established in the Office of the Governor, their composition is made up predominantly of citizens because the executive office should reflect the views of the public.

Therefore, it is my intention to appoint a commission whose composition is similar to what was outlined in the original version of House Bill 813. For this reason, I have vetoed the portion of section 1(1) that describes the commission's membership.

With the exception of a portion of section 1(1), Second Substitute House Bill No. 813 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 11, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1(1), Substitute House Bill No. 920, entitled:

"AN ACT Relating to rate-making criteria for private passenger automobile insurance."

Subsection 2 of this bill applies to "anti-theft devices installed in private passenger automobiles," and subsection 3 applies to "lights and lighting devices that have been proven effective in increasing the visibility of motor vehicles during daytime or in poor visibility conditions and to the use of rear stop lights that have proven effective in reducing rear end collisions." Both subsections indicate these devices should be reflected in the losses, credits or discounts charged by private passenger automobile insurance companies. I endorse these ideas.

Section 1(1) contains the identical language to section 1(2) of Substitute Senate Bill No. 5113. In order to avoid a duplication in the statute, I have vetoed this subsection.

With the exception of section 1(1), which I have vetoed, Substitute House Bill No. 920 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1112, Engrossed Substitute House Bill No. 927, entitled:

"AN ACT Relating to the enforcement of judgments."

Section 1112 is identical to section 118 of Senate Bill No. 5017. Since I have already signed Senate Bill No. 5017, section 1112 of this bill is duplicative. I have also noted that several sections of Engrossed Substitute House Bill No. 927 contain additional amendments to sections amended by Senate Bill No. 5017 and that Engrossed Substitute House Bill No. 927 repeals a section which was amended in Senate Bill No. 5017. I assume that the amendments made in Engrossed Substitute House Bill No. 927 reflect the intent of the legislature to make further changes to these sections.

With the exception of section 1112, Engrossed Substitute House Bill No. 927 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 8, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to portions of section 9 and all of section 10, House Bill No. 954, entitled:

AN ACT Relating to genderless designations in some of the elections statutes."

Parts of section 9 of this bill conflict with amendments to RCW 29.36.030 contained in section 11 of Substitute House Bill No. 614. Section 10 of this bill conflicts with section 15 of Substitute House Bill No. 614. In order to avoid confusion in the code, I have vetoed most of section 9 and all of section 10.

With these exceptions, House Bill No. 954 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 970, entitled:

"AN ACT Relating to reimbursement of institutions for the mentally retarded."

This legislation would increase the compensation for the property and return-on-investment portion of the reimbursement formula of nursing homes that provide care to developmentally disabled persons. Currently, this portion of the reimbursement formula for nursing homes that care for elderly persons is different from those that care for developmentally disabled persons.

While I recognize the need for adequate and equitable reimbursement for proprietary operators of these nursing homes, there was no appropriation included with the bill. With no funding provided, enactment of this legislation would force the Department of Social and Health Services to absorb this cost through cuts of direct services to developmentally disabled persons. This is not feasible for a program with a client waiting list.

Therefore, I have vetoed Substitute House Bill No. 970.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed House Bill No. 959, entitled:

"AN ACT Relating to the powers of initiative and referendum in cities and towns."

This bill would automatically extend the powers of initiative and referendum on city or town ordinances to voters of any municipality with a population in excess of 500. Currently, voters may gain these powers on local matters through city charters, by resolution of the local government legislative authority, or by petition with subsequent approval of a ballot proposition.

I feel that these existing routes to referendum and initiative powers promote broader participation in the process of government while providing reasonable safeguards against a second-guess in difficult local government decisions. No case has been made that the lack of a general initiative and referendum power has led to abuses. In the absence of such evidence, I see no reason to burden local governments with provisions which make their work more difficult.

For this reason, Engrossed House Bill No. 959 is vetoed in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1(3), 1(4) and 1(5), Substitute House Bill No. 978, entitled:

"AN ACT Relating to water projects in the Yakima river basin."

Since the passage of Substitute House Bill No. 978, I have been contacted by many having interests in the waters of the Yakima River system. Through review of letters, by personal contacts at all levels of government, and based upon information provided by my agency directors, I am well aware of the circumstances which prompted this legislation, the divisiveness which has resulted and the significance of my action in a partial veto.

I support and endorse the policy of water neutrality contained in this legislation. Simply stated, any water project in the Yakima Basin that creates a new demand for water must provide a source of supply or an operating agreement to meet that demand. Unfortunately, I believe the bill is flawed and does not achieve the intended result of promoting water neutrality. The provisions of these subsections are ambiguous and may not achieve the protection of existing rights.

Sections 1(3), 1(4) and 1(5) are intended to create a state process for assuring water neutrality. To date, issues related to new water projects, including fish passage facilities within the Yakima River basin, have been cooperatively resolved. I encourage this approach. I have directed the Departments of Ecology, Agriculture and Fisheries to seek negotiated construction and operation agreements for facilities that may require additional water. If such agreements are not reached in a reasonable time, I have instructed the Department of Ecology to utilize the water rights permit process for resolving these issues.

To the Honorable, the House of
Representatives of the
State of Washington
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Page 2

In approving sections 1(1) and 1(2), I affirm my continued support for the Yakima Enhancement Project. Within these sections is the message that the state wishes to see early Congressional action on the next phase of the project and that a final and successful conclusion of the project is an absolute necessity. The momentum to achieve these goals was present before the disputes that arose surrounding Substitute House Bill No. 978 became an issue. I encourage all parties to now cooperatively direct their efforts toward regaining that momentum. Should such cooperation not exist and similar legislation come to me at the conclusion of the next session, I may take a different action.

With the exception of sections 1(3), 1(4) and 1(5) Substitute House Bill No. 978 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3, 5, 6, 7, 8, 9 and 10, Engrossed Substitute House Bill No. 995, entitled:

"AN ACT Relating to the mobile home park purchase fund and providing technical assistance."

Engrossed Substitute House Bill No. 995 establishes a mobile home park purchase fund and requires the Department of Community Development to establish an office of mobile home affairs, provide ombudsman services and technical assistance, and staff a new advisory committee on mobile home and manufactured housing affairs.

Although I concur that manufactured housing and mobile homes provide an important source of low-income housing in Washington State, this bill would establish an extensive new program and subsidies in an area in which state government has no experience. Further, the Legislature did not appropriate funding for this ambitious and costly new program.

Sections 3, 5, 6, 7 and 8 set up the internal policies and procedures of the mobile home park purchase fund. The Housing Committee of the House of Representatives will be looking at potential funding sources for a park purchase program over the interim to address next session. Therefore, it is premature to now outline specific internal fund policies and to mandate the development of regulations before having answered the more basic question of a financing source.

Section 9 includes several substantive but unfunded program activities for the Department of Community Development. Although I am vetoing this section, I have requested the department to establish an office of mobile home affairs and the provide technical assistance to mobile home tenants and park owners. By establishing this office, the department will be able to gain experience with mobile home and manufactured housing issues and will begin to collect information on additional program needs. The department's experience in providing this initial technical assistance may well demonstrate the need for other elements of this bill and warrant expansion of this program in future legislation.

Another difficulty with proposed language in section 9 is the requirement that the Department of Community Development "promote the development and utilization of mobile homes or manufactured housing." I have eliminated this paragraph because I feel it is inappropriate for the Department to advocate on behalf of a narrow segment of housing options (mobiles and manufactured units) when Department of Community Development's overall agency mission is to help develop low-income housing and involves working on a broader range of housing supply types.

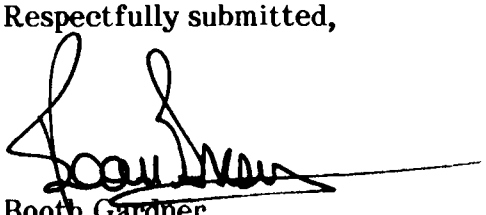
Subsection 3 of section 9 would establish a narrowly-focused advisory committee in statute. Boards, commissions, committees, task forces and similar entities have proliferated in this state, and now number over 400. The director of Community Development has authority to create ad hoc advisory groups as the need arises. This authority makes it unnecessary to create advisory committees in statute.

Section 10 requires the department to evaluate programs established in the bill. With no programs being established, such an evaluation would be irrelevant.

Although several sections have been vetoed, I have retained sections related to the mobile home park purchase fund framework and have requested the department to undertake technical assistance activities. This will allow the state to pursue the worthy goal of protecting mobile home parks as an important source of low-income housing consistent with our current level of knowledge and fiscal capacity. I am also asking the Department to ensure that it coordinates implementation of this legislation with its work on the Housing Trust Fund, which might be utilized in conjunction with the mobile home park purchase fund established by this legislation.

With the exception of sections 3, 5 6, 7, 8, 9, and section 10, Engrossed Substitute House Bill No. 995 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 29, Engrossed Second Substitute House Bill No. 1006, entitled:

"AN ACT Relating to quality of care in nursing homes."

Section 29 of this bill would require additional legislative review of determinations of need for nursing home beds. This determination is already a long and complex process that involves participants from a variety of organizations, including the Legislature, with support and technical expertise provided by the State Health Coordinating Council.

This interim, the executive branch will be looking at a number of issues in the area of long-term care, including factors related to growth in the nursing home budget. The process of determining need for nursing home beds is an integral aspect of the nursing home budget, as well as the state's overall long-term care policy. It should be considered in the context of this broader review.

In the meantime, the Legislature is represented on the State Health Coordinating Council, which provides an opportunity for input and review.

With the exception of section 29, Engrossed Second Substitute House Bill No. 1006 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1(4), House Bill No. 1205 entitled:

"AN ACT Relating to authorizing the department of ecology to distribute funds from the water quality account for water pollution facilities, using extended grant payments."

House Bill No. 1205 authorizes the Department of Ecology to enter into contracts with local jurisdictions allowing the state to pay its share of project costs over an extended period up to a maximum of twenty years. The purpose of this authorization is to reduce the state's initial assistance to a local jurisdiction constructing a major water pollution control facility, thereby maintaining adequate funds in the water quality account to assist other local jurisdictions.

Section 1(4) was added as a Senate floor amendment. It requires the state share for one category of water pollution control, sole source aquifer protection, to be in the form of a fifty percent matching grant. The designation of a sole source aquifer is determined by the federal Environmental Protection Agency under the Safe Drinking Water Act. Currently, three such aquifers have been designated in our state and several more are under federal review.

The Department of Ecology is developing by rule a comprehensive and consistent program for use of funds from the water quality account, including the appropriate level of cost sharing with local jurisdictions for eligible water pollution control facilities and activities in accordance with Chapter 70.146 RCW.

I concur that the protection of sole source aquifers is of high priority, and projects for such protection should receive a fair level of state aid. However, the appropriate level of state assistance for any project funded by the water quality account should be made in the context of overall state priorities for water pollution control assistance.

With the exception of section 1(4), which I have vetoed, House Bill No. 1205 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

June 12, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2, 3, 107(2), 121(2), 121(3), 201(1)(a), 201(1)(d), 201(3)(e), 202(4), 202(8), 205(2)(a), 207(3), 209(4), 213(3), 303(2), 313(6), 317, 401(3), 402(3), 506(4)(c), (6), (7), and (9), 515(2), 601(5), and 606(2), Engrossed Substitute House Bill No. 1221, entitled:

"AN ACT Relating to the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989."

My reasons for vetoing these sections are as follows:

Section 2, Page 2, Limits on New Services

This subsection prohibits new services not expressly authorized in this budget, unless the services were provided on March 1, 1987. In the 1987-89 biennium, I intend to continue to manage state services to keep their growth at a minimal level. I am concerned, however, that the absolute prohibition in this subsection may be too broad and may unnecessarily restrict state government's ability to respond to emergent needs.

This section also requires replacement of state funds when unanticipated federal funds are received. Although acceptable in concept, the language used is too restrictive and could result in the inability to use federal fund sources as available.

Section 3, Page 2, $18 Million Savings

Section 3 requires $18 million in General Fund-State savings through limitations on agency expenditures for personal services contracts, goods and services, travel, and equipment. Although I intend to reduce agency expenditures to achieve the expected savings, agency managers should be given the flexibility to make budget reductions in ways that are least disruptive to agency program objectives. The savings can be achieved through means other than the four items cited in this section. I would hope, too, that higher education institutions and elected officials, over whom I have no direct management control, will join with other executive agencies in finding savings.

Section 107(2), page 4, Public Defender Task Force.

This subsection designates $110,000 in the Supreme Court's budget for creation of a task force to study the creation of a statewide program for delivery of indigent defense services. It also creates a task force director position. The responsibility for providing indigent defense currently rests with the state for appellate cases and with local governments for the trial court level. I do not favor consideration of shifting such substantial costs to the state for the total program without significant involvement and representation of state officials in the review.

Section 121(2), Page 10, Draft Reports.

This language requires agencies to submit required reports to the Legislature by the date specified, not withstanding time for the Office of Financial Management to grant approval. This language is unnecessary. Sections of law requiring such reports have specific due dates and the Office of Financial Management has the necessary authority to require the reports due in advance so it can review them prior to the date set by the Legislature.

Section 121(3), Page 10, Furniture Management.

This subsection requires the Office of Financial Management to report to the Legislature on a system to control the purchases of furniture by state agencies. I vetoed this requirement from House Bill No. 25 and I am vetoing it again for the same reason.

The system envisioned would add an additional layer of bureaucracy to a single part of the state purchasing system and would be costly to administer. Any changes in furniture purchasing should be considered in the context of improvements to the overall purchasing system.

Section 201(1)(a), Page 17, Work Training Release and Substance Abuse Contracts.

This section would restrict the Department of Corrections from using its own more cost-effective resources when appropriate and require the Department to contract solely with non-profit corporations for the amount specified for work-training release for convicted felons. This restriction is not appropriate and is inconsistent with other efforts to restrict uses of personal service contracts.

Section 201(1)(d), Page 17, Sexual Offender Treatment Program

This subsection provides for the implementation of the Sex Offender Treatment Program within the provisions of Second Substitute House Bill No. 1251. This bill was not enacted by the Legislature. The Department of Corrections will, however, implement a sex offender treatment program consistent with current law and legislative intent.

Section 201(3)(c), Page 18, Drug and Alcohol Treatment Programs

Under this language the Department of Corrections is required to expend its drug and alcohol treatment funds solely through contract service providers. Since the Department currently utilizes both state employees and contract service providers for its drug and alcohol treatment programs, this proviso would have the effect of mandating the supplanting of state employees with contract providers. This proviso limits the ability of the Department to pursue the most efficient provision of drug and alcohol treatment to offenders in institutions and work release facilities. The Department of Corrections will continue to provide drug and alcohol treatment through the use of both state employees and contracted services.

Section 202(4), Page 19, Legislative Review of Eligibility Criterion, Department of Social and Health Services.

This subsection prohibits the Department of Social and Health Services from revising eligibility criteria in a manner that would increase the number of eligible persons or increase General Fund-State expenditures. The subsection also stipulates that required revisions to eligibility criteria be reviewed by the appropriate committees of the Legislature prior to implementation. While it is not my intention to voluntarily change criteria in a manner which would increase the number of eligible persons, I believe that this provision eliminates the agency's ability to react expeditiously to changes by the courts and the federal government as well as to maximize efficiency. Should such mandatory changes become necessary, the Department of Social and Health Services will promptly inform the appropriate legislative committees.

Section 202(8), Page 20, Monthly Unit Cost Performance Data.

This subsection provides for monthly reporting of cost performance data from all the Department of Social and Health Services budget units and is overly restrictive. This requirement would result in excessive amounts of data being transmitted from the Department of Social and Health Services to the LEAP Committee. The Executive has responded and will continue to respond to legislative inquiries at the specific level of detail requested as well as provide regular reports on key budget drivers.

Section 205(2)(a), Page 27, Program for Adaptive Living Transition Plan.

This subsection requires the Department of Social and Health Services to develop a plan to move clients served by the Program for Adaptive Living into community residential facilities, and prohibits any other community residential programs from being established on the grounds of state mental institutions.

I share legislative concern for creating community alternatives for the mentally ill and will direct the Department to develop a transition plan for submittal to the Office of Financial Management by January 1, 1988. This plan will address the transition of clients served by the Program for Adaptive Living into community residential facilities. No new community residential programs will be established on the grounds of state mental health institutions without consultation with the appropriate legislative committees and Office of Financial Management approval.

Section 207(3), Page 30, Contracted Chore Services

Section 207(3) deals with the low wage earner increase. The appropriation provided in the long term care budget does not adequately support the requirement as written. The result of this appropriation would be an unintended increase to some providers which could only be funded by reductions to the chore services caseload. Although I am vetoing this section, I am directing the Department of Social and Health Services to implement the low wage earner increase to provide rates of $4.76 per hour beginning September 1, 1987, and $5.15 per hour beginning September 1, 1988, for full-time employees providing chore services on an hourly basis and to allow an equivalent percentage increase for services provided by individuals to clients for the attendant care program. By taking this action, we will be able to maintain chore service caseloads at the highest level possible while guaranteeing substantial wage increases for low paid direct service workers.

Section 209(4), Page 33, Shelter Services Under Substitute House Bill No. 646.

This section requires the Department of Social and Health Services to provide services to any individual who requests shelter, and who is determined to be eligible by criteria established in Substitute House Bill 646, the "Alcoholism and Drug Addiction Treatment and Shelter Act." Fiscal responsibility is clearly defined in Substitute House Bill 646: "the Department shall provide alcohol and drug treatment services within available funds." The demand for shelter related to treatment services may very well exceed the level assumed in the budget language and is inconsistent with the intent of Substitute House Bill 646, which is to provide shelter and treatment services only within available funds.

Section 213(3), Page 37, Transferring $500,000 to the Department of Revenue.

This appropriation transfer is no longer applicable because of my veto of House Bill 1239, the bill which authorized the transfer of caseload forecasting functions to the Economic and Revenue Forecast Council.

Section 303(2), Page 50, Wetlands Restoration Project Planning.

This subsection reduces flexibility in the Department of Ecology's budget by requiring it to expend $75,000 of the General Fund-State appropriation solely for wetlands restoration planning. Funding for this activity was not added to the Department's budget and must be absorbed in existing programs. This veto will allow the Department to carry out this planning activity more effectively within existing resources.

To the Honorable, the House of
Representatives of the
State of Washington
June 12, 1987
Page 5

Section 313(6), Page 57, Hazardous Waste Disposal Program.

This subsection appropriates $50,000 to the Department of Agriculture to implement a hazardous waste disposal program for pesticides. Earlier, I vetoed Senate Bill No. 6010, which directed the Department to develop the administrative structure necessary to implement a disposal program for pesticides because that activity would have caused the state to assume long-term liability. In recognition of the growing problem of pesticide disposal, I am directing the Department of Agriculture to use these funds to develop a proposal for disposal of these wastes.

Section 317, Page 60, State Convention and Trade Center, Duplication

This section is a duplication of section 12 of Engrossed Substitute Senate Bill No. 5901, which also contains the same appropriation but also creates a new account established for the Convention Center's operating expenses.

Section 401(3), Page 61, State Patrol.

This section establishes a major crimes investigation unit within the Washington State Patrol. The initiation of this unit, which expands the State Patrol's activities to include direct criminal investigation assistance to local law enforcement entities, is a major policy decision which should receive careful and thorough executive and legislative scrutiny. It should be noted that the Legislature did consider, but failed to enact, legislation adopting this policy in the 1987 session.

One of the purposes of this appropriation is to allow the Washington State Patrol to work with the Green River Task Force. The Task Force has accumulated much valuable information which could be used by other law enforcement authorities both now and in the future. I believe that this is a worthwhile undertaking and am therefore directing the Chief of the Washington State Patrol to work with the Office of Financial Management to devise and fund a plan for drawing on the task force's knowledge and data.

Section 402(3), Page 62, Department of Licensing.

This subsection places portions of second-year appropriations for professional regulation into reserve pending reappropriation by the 1988 Legislature. It requires that a report describing the methods used to set fees be submitted to the Legislature by December 1, 1987. The withholding of appropriations is unduly restrictive, especially in view of new legislative requirements for professional licensing enacted this year. I have directed the Office of Financial Management to review the report and determine if the Department of Licensing has justified the methods used to set fees charged for professional regulation. The Department and the Office of Financial Management will work with the budget committees to resolve any outstanding issues.

To the Honorable, the House of
Representatives of the
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Page 6

Section 506(4)(c), (6), (7), and (9), Page 76, Local Education Program Enhancement Funds

Section 506 specifies both the funding level and use of monies appropriated for a new program, education block grants. I have consistently stated that I would not accept a budget with new programs that is not also financially responsible. This budget, combined with other legislation, provides a reserve of less than $70 million. I am concerned that this is inadequate, given normal fluctuations in revenue and spending forecasts. One way to increase the reserve would be to veto this entire section. However, the needs of K-12 education are so great that I have decided to leave the program and the funds in the budget.

Grant funding to local school districts in addition to their basic education allocations includes adult/pupil ratio; dropout prevention and retrieval programs; drug and alcohol abuse programs; early childhood programs; in-service training programs; and programs to enhance reasoning and analytical skills. However, certain subsections are vetoed as follows:

Subsection 4(c) requires that a two-year plan be established by districts based on the needs identified by "the committee". There is no committee stipulated in section 506; it was only included in earlier drafts of the legislation. Therefore, this language is inappropriate. In addition, districts are charged in other subsections with assessing and evaluating their needs as they relate to expending the enhancement funds.

Subsection 6 restricts districts unnecessarily as to their process for determining how to spend the enhancement funds. Also, other controlling statutes would dictate if and when employee group involvement is required.

Subsection 7 unnecessarily stipulates that the enhancement funds may not be used for a salary increase beyond that which is specified in the budget. New statutory salary restrictions are now in place in ReEngrossed Second Substitute House Bill No. 455, which was passed after this budget bill, and this language is no longer needed.

Subsection 9 refers to a section of the code which has been repealed by ReEngrossed Second Substitute House Bill No. 455 and therefore must be removed to avoid confusion.

Section 515(2), Page 86, Educational Clinics

This subsection requires that $635,000 of the total appropriation for educational clinics be spent in counties presently unserved by clinics. These clinics work with dropouts to encourage them to return to school or to prepare them to take the GED examination. There are currently no applications pending with the Superintendent of Public Instruction to establish clinics in unserved counties. Furthermore, existing clinics have the capacity to serve more students than the balance of the appropriation would permit. I encourage the Superintendent to use the funds available as a result of my action for distribution to the existing clinics.

Section 601(5), page 91, Vocational Education Planning.

This subsection duplicates sections 601(4) and is therefore unnecessary.

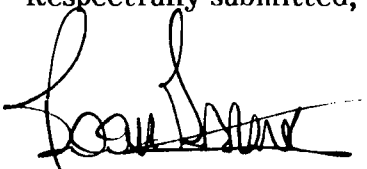
To the Honorable, the House of
Representatives of the
State of Washington
June 12, 1987
Page 7

Section 606(2) page 97, Central Washington University Business School Accreditation.

The Legislature provided significant increases for higher education, equalized funding per pupil among the regional universities, and adopted a policy of flexibility allowing institutional self-determination. Within that context, the restriction of additional funds for a single programmatic option is inconsistent and detrimental to the overall legislative objectives for higher education funding.

With the exception of sections 2, 3, 107(2), 121(2), 121(3), 201(1)(a), 201(1)(d), 201(3)(c), 202(4), 202(8), 205(2)(a), 207(3), 209(4), 213(3), 303(2), 313(6), 317, 401(3), 402(3), 506(4)(c), (6), (7) and (9), 515(2), 601(5), and 606(2), Engrossed Substitute House Bill No. 1221 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 6 and 23, House Bill No. 1228 entitled:

"AN ACT Relating to criminal penalties for, criminal sentences for, education regarding, and treatment for alcohol and substance abuse;"

Section 6 amends RCW 26.28.080 by striking language relating to providing alcohol to minors. The same amendment was effected in slightly different form by chapter 204, laws of 1987.

Section 23 provides an effective date of July 1, 1988, for section 10 which authorizes the distribution of certain beer retailer license fees. Section 10(4) provides funds to the superintendent of public instruction for an alcohol prevention program. However, the fee increase providing these funds does not take effect until July 19. Without a veto of section 23, the general fund will loose approximately $150,000 which it can ill afford.

With the exception of sections 6 and 23, House Bill No. 1228 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

June 9, 1987

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed House Bill No. 1239, entitled:

"AN ACT Relating to fiscal matters."

This bill would require the employment of a caseload forecast supervisor by the secretary of the Department of Social and Health Services to supervise the preparation of all state caseload forecasts. It would mandate the preparation of four caseload forecasts each year for a variety of services provided through the department. The forecast would be subject to the approval of what is now the economic and revenue forecast council.

Many of these forecasted caseloads provide the basis for projected program expenditures and as such, are important considerations in the development of the Governor's budget request. The development of the budget is an Executive responsibility. This bill would shift a portion of that responsibility to the Forecast Council.

The development of caseload estimates for some programs cannot be appropriately undertaken without the coincident development of program policy. The development of such caseload estimates, without policy development, would be unproductive.

The bill also creates an artificial time frame for the preparation of these forecasts and eliminates the flexibility to manage the forecasting process according to the needs and statutory responsibilities of the executive branch of government. In short, this legislation is an encroachment on the Executive's authority and capacity to plan and execute its responsibilities.

For these reasons, Engrossed House Bill No. 1239 is vetoed.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 25, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 143 and 214, Senate Bill No. 5017, entitled:

"AN ACT Relating to conforming the statutes involving district courts to reflect modern terminology and practices."

Sections 143 and 214 are identical to sections 4 and 18 of Senate Bill No. 5015. Since I have signed Senate Bill No. 5015, sections 143 and 214 of this bill are duplicative.

With the exceptions of sections 143 and 214, Senate Bill No. 5017 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

CORRECTED COPY

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to a portion of section 10(6), Engrossed Second Substitute Senate Bill No. 5074 entitled:

"AN ACT Relating to mental health."

I support the revisions of the involuntary commitment procedures. They will provide a more comprehensive approach to the treatment of mentally-ill adults in intensive and less restrictive settings.

However, the last sentence of section 10(6) which reads "In the event of a revocation of a less restrictive alternative treatment, the subsequent treatment period may be no longer than fourteen days", will cause the subsequent treatment period after a revocation to be restricted.

State hospitals would be required to file a new ninety day petition for persons whose original involuntary treatment plan was revoked and who require care beyond the fourteen day period. This would create a significant workload. Additionally, it would require a duplicative hearing process by mandating that a hearing on the new treatment plan be held in addition to the hearing revoking the existing plan.

With the exception of a portion of section 10(6), Engrossed Second Substitute Senate Bill No. 5074 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

May 18, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5088, entitled:

"AN ACT Relating to custodial interference."

This bill would amend criminal provisions relating to custodial interference to include interference with visitation rights. First, while I believe non-custodial parents deserve fair treatment when their visitation rights are abused or denied, I am sensitive to those who are concerned that involving the police in settling non-violent visitation disputes is not the best approach. Police experience has shown that disputes over dates, times and conditions of child visitation are so common that any effort on behalf of the police to respond to calls for assistance in such disputes would very seriously affect police and sheriff department resources and ability to respond to life-threatening and criminal law situations. Police intervention should be reserved for when there are threats to the physical well-being of a child.

Secondly, there are remedies under existing law to protect "relatives", including parents, when their visitation rights are denied.

Third, Substitute House Bill No. 48, the Parenting Act, is intended to improve the way child custody is determined and will provide for an alternative dispute resolution process to settle parental disputes over such concerns as visitation. We need to give this new parenting/custody determination procedure in Substitute House Bill No. 48 a chance to work.

Substitute Senate Bill No. 5088 would also limit the current defense to a prosecution of custodial interference by adding several more conditions, all of which must be met. There are many who are concerned that this amendment narrows the defense to the degree that routine problems that cause a delay in delivering a child would subject parents to unnecessary criminal action. Furthermore, Substitute House Bill No. 48 provides for a civil action for custodial interference if either custodial or non-custodial parents interfere with custody or visitation.

For these reasons, I have vetoed Substitute Senate Bill No. 5088.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 11, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1(2), Substitute Senate Bill No. 5113, entitled:

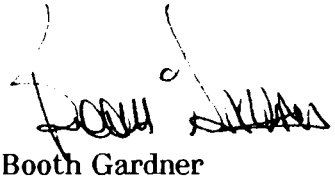
"AN ACT Relating to motor vehicle passenger safety device usage."

Substitute Senate Bill No. 5113 in section 1(1) provides that any anticipated change in losses that may be attributed to usage of seatbelts, child restraints, and other lifesaving devices should be reflected in the credits or discounts provided by automobile insurers. I endorse this idea.

Section 1(2) involves a double amendment and duplication to Substitute House Bill No. 920, section 1(3) and is identical. I have therefore vetoed section 1(2) to avoid duplication in the statute.

With the exception of section 1(2), Substitute Senate Bill No. 5113 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

May 18, 1987

CORRECTED COPY

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 5123 entitled:

"AN ACT Relating to highway advertising control."

Section 4 waives the restriction that on-premise signs of facilities advertised on highway information panels extend less than fifteen feet above the roof of the building when those signs are not visible from the rural primary system and scenic system. In addition, these sections allow the Department of Transportation to waive the height restriction on a case-by-case basis even when a sign is visible from the roadway.

The purposes of highway sign restrictions are both safety related and aesthetic. An excess of signs visible from a highway leads to motorist confusion and distracts the driver from full attention to traffic. For this reason, the federal government and the state have adopted standards for the design, placement and purposes of signs in order to minimize unnecessary clutter.

Furthermore, the state has adopted the scenic highway system to "attract visitors to this state by conserving the natural beauty of areas adjacent to the interstate system, and of scenic areas adjacent to state highways upon which they travel in great numbers, and to ensure that information in the specific interest of the traveling public is presented safely and effectively" (RCW 47.42.010). To that end, the Legislature has provided guidance to the Department of Transportation for determining which types of signs meet with statutory intent.

Section 4 of this bill attempts to provide the Department with flexibility to meet the needs of businesses located along the state's highway systems. However, by allowing unrestricted waivers from the statutory height requirements, we may eventually thwart the purposes of sign restrictions. Without statutory guidance, the Department of Transportation is left without grounds for denial of waivers and may be forced to grant all such requests. I do not believe this outcome was intended.

With the exception of section 4, Substitute Senate Bill No. 5123 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 11, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 11, 16, 21(6) and 21(9), Substitute Senate Bill No. 5124, entitled:

"AN ACT Relating to impoundment and disposition of unauthorized, abandoned, junk, and other vehicles."

Sections 11, 16, 21(6) and 21(9) conflict with amendments to RCW 46.61.567, 46.55.170, RCW 46.61.563 and RCW 46.61.567, respectively, contained in sections 744, 741, 743 and 744 of Substitute House Bill No. 454. These sections are not vetoed for their substance, but are vetoed to avoid confusion with Substitute House Bill No. 454. Substitute Senate Bill No. 5124 specifies certain duties to be carried out by the state commission on equipment. The state commission on equipment is abolished under Substitute House Bill No. 454 and the commission's responsibilities are transferred to the Washington State Patrol.

References are made to the state commission on equipment in sections 11 and 16 of Substitute Senate Bill No. 5124. Substitute House Bill No. 454 establishes the Legislature's clear intention that the Washington State Patrol, and not the state commission on equipment, carry out the responsibilities set forth in the above-referenced sections of Substitute Senate Bill No. 5124.

With the exception of sections 11, 16, 21(6) and 21(9), Substitute Senate Bill No. 5124 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Engrossed Substitute Senate Bill No. 5143, entitled:

"AN ACT Relating to exemption from public disclosure of the contents of public employment applications and the addresses and telephone numbers of natural persons."

This bill adds provisions to the public disclosure law to exempt from public inspection and copying applications for public employment, residential addresses and telephone numbers of employees and volunteers of a public agency, and residential addresses and telephone numbers of public utility customers. A separate section makes public employment and applications materials if the application is for an executive position.

I support the exemptions from disclosure for residential addresses and telephone numbers. Concerns have been raised regarding public safety where such information is available to the public. There appears to be no compelling public policy reason why this personal information should be generally available.

Under state law, personal information regarding public employees maintained in public agency files, is not disclosable if disclosure violates a right to privacy. Further, the Open Public Meetings Act (Chapter 42.30 RCW) allows public entities to evaluate qualifications of an applicant for public employment in an executive session, so long as the final hiring and salary setting is done in an open meeting. This bill would specifically exempt public employment applications, resumes and other materials submitted from disclosure, unless the application is for an executive position.

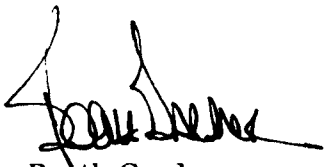
Section 2 of the bill causes particular concern to me given the broad access to information about executive position job applicants. It would require disclosure of "all applications and resumes" of executive position applicants. Applications and resumes for this level of position by their nature must be very complete and thorough.

Most top executives are reluctant to jeopardize their present employment position and, more importantly, the relationships that go with that position, which would result from publicizing their application for another position. The disclosure requirement would seriously impact the size and, more importantly, the quality of the pool of applicants. I believe this is true of both the business world as well as the public sector world of executive employment.

I have vetoed section 2 because it will frustrate efforts by public elected and appointed officials and managers to recruit and hire the best at all levels of government. I remain committed to trying to attract the best people to public employment and feel this section would only frustrate the efforts of the many elected officials and managers who share this goal.

With the exception of section 2, Engrossed Substitute Senate Bill No. 5143 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 12, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Substitute Senate Bill No. 5206 entitled:

"AN ACT Relating to superior court judges."

Section 3 of this bill requires the office of the administrator for the courts to conduct a weighted caseload analysis of Superior and District Court judge positions. Duplicate language is contained in section 6 of Engrossed Substitute House Bill No. 217.

With the exception of section 3, Substitute Senate Bill No. 5206 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2(5) and 15(9), Engrossed Substitute Senate Bill No. 5299, entitled:

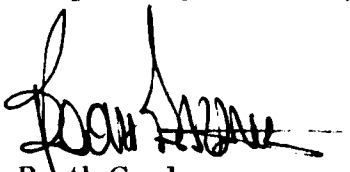
"AN ACT Relating to massage therapy."

This bill makes a number of changes to the statute relating to the licensing of massage businesses and massage therapists. Sections 2(5) and 15(9) would have the effect, if signed into law, of prohibiting cities and counties from licensing and regulating massage businesses. It is important that local governments are allowed to license and regulate all massage businesses.

While most massage practices provide a valuable and needed service, there is still a need for some local authority over these businesses. The personal contact involved in this type of business brings with it the opportunity for business fronts for criminal activity which require law enforcement attention. Local regulation provides involvement by local officials and citizens who become justifiably concerned about the character of their community.

With the exception of sections 2(5) and 15(9), Engrossed Substitute Senate Bill No. 5299 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 20, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 22, Substitute Senate Bill No. 5427, entitled:

"AN ACT Relating to simplifying and clarifying procedures of the department of ecology, local air pollution control authorities, and the pollution control hearings board."

Section 22 of this bill amends RCW 70.107.050 relating to noise pollution penalties. I have signed into law today Substitute Senate Bill No. 5389, entitled:

"AN ACT relating to noise control."

Signing both laws would constitute a double amendment to existing law and create confusion. For this reason, I have vetoed section 22.

With the exception of section 22, Substitute Senate Bill No. 5427 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 20, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5442, entitled:

"AN ACT Relating to forest fires."

This legislation would direct the Department of Natural Resources to do the following:

"Upon arriving at the scene of a forest fire, the employees or agents of the department shall have the first priority to attempt to extinguish the fire, and attempts to conduct a survey of contiguous property to ascertain the necessity to remove individuals or property from the area of the fire shall be secondary to that responsibility: PROVIDED, HOWEVER, That this requirement does not mean that individuals in immediate danger from the fire may not be assisted."

The legislation appears to be confusing in its direction to the Department of Natural Resources and inconsistent with the normal values we place upon preserving and protecting human life. On a practical level, fighting forest fires is a situational, fast-moving, and complicated job. It may be difficult to predict the speed or direction of a fire or fires, and it is not unusual for several fires to be burning simultaneously. Even though other entities probably have a statutory duty to protect human life, their resources can be very strained and the Department of Natural Resources should always help protect human life. I am sure that we would all feel remorse if this legislation were adopted and subsequently resulted in the loss of human life because our firefighting crews did not feel they should try to protect human life at least on the same level as fighting the forest fire.

Senate Bill No. 5442 is vetoed in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

May 19, 1987

CORRECTED COPY

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to sections 117 through 122, 219, 221 through 224, 229 through 232, and 302, Substitute Senate Bill No. 5479 entitled:

"AN ACT Relating to improving the educational system."

This measure was introduced at my request. Its provisions provide for enhanced teacher preparation standards and a pilot school program. These measures are intended to improve teaching to meet the needs of children who must live in the challenging economy of the 21st century.

A number of amendments which created new programs were added to this bill during the legislative process. While I believe most of these programs are meritorious, I am vetoing those for which the legislature provided no funding. Adding unfunded programs to substantive law gives false hope to those who would benefit from them. For this reason, I have vetoed sections which would have created a primary block education program (sections 117 through 122), a principals' academy (sections 219, 221 through 224), and an award program for teacher preparation (sections 229 through 232).

In addition, I vetoed section 302 which requires the Superintendent of Public Instruction to create a paperwork reduction task force. This provision duplicates paperwork reduction duties already existing in the Basic Education Act and, thus, contributes only a statutory requirement for a task force. I am confident that the Superintendent can meet his paperwork reduction responsibilities without this provision.

With the exception of sections 117 through 122, 219, 221 through 224, 229 through 232 and 302 which I have vetoed, Substitute Senate Bill No. 5479 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 23, Second Substitute Senate Bill No. 5555, entitled:

"AN ACT Relating to state information technology."

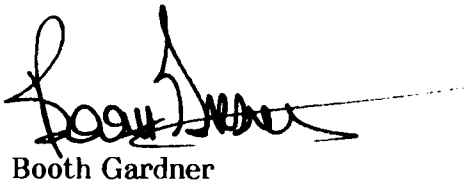
Section 23 of this bill would require that a study of state budgets and expenditures for information systems be conducted by the legislative evaluation and accountability program administration. This study would be conducted over a period of two years, while the new Department of Information Services is being formed.

I believe that this section is unnecessary. The Legislature has the general oversight authority for state agencies and may undertake studies of state operations without implementing legislation.

Furthermore, this study would be taking place while a great many changes are made in the organization of state information systems, as required by the remainder of this bill. It may be more difficult to get accurate baseline data during this period than at other times. To ensure that the Legislature is fully informed about the development and operations of this new agency, I will be instructing its director to make periodic reports to appropriate legislative committees.

With the exception of section 23, Second Substitute Senate Bill No. 5555 is approved.

Respectfully submitted,



Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 10 and 14, Engrossed Senate Bill No. 5556, entitled:

"AN ACT Relating to flood control."

Section 10 is a technical amendment to a section of the code that was repealed by Senate Bill 5427, already signed into law. I have eliminated this section of the bill to avoid confusion.

Section 14 would allow the Department of Ecology to grant an exemption for certain towns from statutory prohibitions against some types of construction and rehabilitation within designated floodways. Section 4 of the bill includes language that allows repairs, reconstruction and improvements to an existing structure. Since the state supplements the national flood insurance program, any exemptions from this prohibition that go beyond the examples allowed under section 4 would represent a needless risk of public funds.

With the exception of sections 10 and 14, Engrossed Senate Bill No. 5556 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

CORRECTED COPY

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Engrossed Substitute Senate Bill No. 5570, entitled:

"AN ACT Relating to disposal of incinerator ash residues."

This legislation would exempt municipal solid waste incinerator ash residue from the state's hazardous waste law and create a new category of waste and a new regulatory procedure.

Section 8 of the bill would allow any aggrieved person to bring an action in law or equity to the pollution control hearings board related to this new regulatory process . Currently, the board only hears appeals from department orders, permits, penalties, and other decisions. The language of this section could potentially confer new jurisdiction by allowing persons who feel the department is not processing permits or adopting regulations pursuant to this bill as it should to seek relief from the board rather than through the state court system.

The intent of this section was to assure a route for citizen appeals. A route for citizen appeals of any department decision exists in section 10 of Senate Bill No. 5427, already signed into law. Thus, elimination of this section does not affect the ability of citizens to challenge the department's decisions. For this reason, I have vetoed section 8.

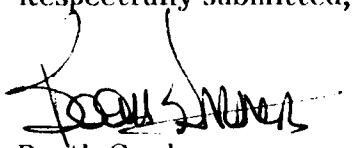
I am concerned that a wholesale exemption of a category of waste from the hazardous waste law could set a bad precedent and send an incorrect message by implying that the door is open for exempting other categories of hazardous waste. The toxicity of a waste, and thus, viable alternatives for its safe disposal should be determined on the basis of scientific tests. Because of these factors, I am signing this legislation reluctantly.

To the Honorable, the Senate
of the State of Washington
May 19, 1987
Page 2

In developing the rules, regulations and policies necessary to implement Engrossed Substitute Senate Bill No. 5570, I am asking the Department of Ecology to give primary emphasis to the long-term protection of public health and environmental values. The Department also needs to develop effective disposal alternatives and address such issues as the risk of mixing fly and disposal ash, immobilizing ash and transportation.

With the exception of section 8, Engrossed Substitute Senate Bill No. 5570 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2(2)(g) and 12, Substitute Senate Bill No. 5606 entitled:

"AN ACT Relating to budget and accounting."

Section 2(2)(g) requires that the Governor's budget document display specific objects of expenditures for major programs. Current practice is to display all objects at the agency level, and selected objects at the program level.

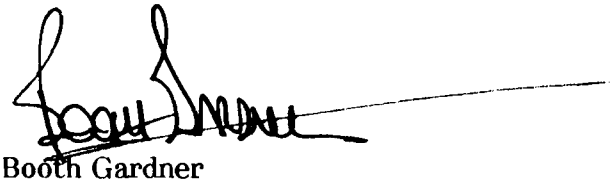
By creating additional statutory requirements, the Legislature will increase the cost and size of what is already a 900-page document. Detailed object information is available from the Office of Financial Management; it is not necessary that this same information be incorporated into the published budget. For these reasons, I am vetoing Section 2(2)(g).

Section 12 specifies that the bill will be effective on August 1, 1987, except for section 7, which is to take effect immediately.

The immediate implementation of section 7 is impractical. Section 7 places restrictions on fund and account deficiencies. The restrictions are complex and comprehensive. Additional time is required to fully implement the provisions of this section. Accordingly, I am vetoing section 12 so that the entire bill will become effective 90 days after the adjournment of the regular session.

With the exceptions of sections 2(2)(g) and 12, Substitute Senate Bill No. 5606 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 12, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to two sections, Substitute Senate Bill No. 5608 entitled:

"AN ACT Relating to abused and injured animals."

The bill amends the cruelty to animals statutes to allow law enforcement officials to remove an animal for a medical examination to determine if the animal is neglected and in need of restoration. The bill also prescribes penalties for violations of these statutes.

Sections 4 and 5, amendments to the original bill, specifically allow dogs to be transported in the open bed of a pickup truck. Current statute allows this to occur but requires that the animal be suitably harnessed or otherwise protected from falling or being thrown from the vehicle. Testimony before the House pointed out that nationally every year over 100,000 dogs die after being thrown from pickup truck beds. In keeping with the intent of the bill to encourage humane treatment of animals, I am vetoing sections 4 and 5.

With the exception of sections 4 and 5, Substitute Senate Bill No. 5608 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

May 19, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 7 and 8, Engrossed Second Substitute Senate Bill No. 5659, entitled:

"AN ACT Relating to child protective services."

This bill is the result of a lot of hard work by legislators and citizens to improve protective services for the children of our state. However, Section 7, which amends RCW 13.34.190, would allow the Department of Social and Health Services to terminate parental custody in any case having dependency status with the department. Department of Social and Health Services does not seek this greater authority. This is a technical error that the Legislature did not intend to make. If passed, this section would result in all dependency cases being held until this language could be changed. Therefore, I have vetoed section 7 of Engrossed Second Substitute Senate Bill No. 5659 to preserve current law.

Section 8 of Engrossed Second Substitute Senate Bill No. 5659 amends RCW 26.44.010. It articulates the paramount goal of child protective services as being the safety of the child. However, the impact of this language is receiving vastly different interpretations by attorneys, child advocates and legislators.

It is clear that in the past year, child protective service workers have become increasingly aware of the need to put the welfare of the child above all other concerns. I feel confident that no matter what language is put in this section, those workers are putting the needs of children first. The confusion surrounding this language compels me to recommend that in the interim the interested parties come together and agree on what the best standard is for guiding protective services in safeguarding the general welfare of children. For this reason, I have vetoed section 8 of Engrossed Second Substitute Senate Bill No. 5659.

With the exception of sections 7 and 8, Engrossed Second Substitute Senate Bill No. 5659 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

May 18, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 2, 3, 4 in part, and 12, Senate Bill No. 5739, entitled:

"AN ACT Relating to escrow."

This bill would eliminate in section 1, the $200,000 fidelity bond requirement for officers and employees engaged in escrow transactions. The complete elimination of a fidelity bond requirement would unnecessarily expose the consumer to substantial losses resulting from any fraudulent or dishonest acts by escrow employees or officers. Even though these bonds presently do not run directly to the public, they provide a financial asset to the corporation which the public can sue. This is particularly important in that many of these escrow businesses are incorporated and the nature of the business does not require any substantial capital assets.

The errors and omissions policy alone, which is required in the amount of $50,000, would not in many cases be in an amount enough to cover the average home sale transaction, nor by its terms would it cover fraud or dishonesty. The sale of a family residence is often the biggest financial transaction people are likely to be involved with and it is essential that adequate protection be available for those unfortunate cases where a loss results from fraud or dishonesty.

Sections 2, 3, 4 in part, and 12 are vetoed because they merely amend other sections of the chapter to reflect the change made in section 1 which deleted the fidelity bond requirement.

I note that the remaining amendments contained in this bill allow an association comprised of certificated escrow agents to organize a mutual corporation with the consent of the director, for the purpose of insuring or self-insuring against claims arising out of escrow transactions, upon a showing that insurance availability is cost-prohibitive or that such bond or policy is not reasonably available.

With the exception of sections 1, 2, 3, 4 in part, and 12, Senate Bill No. 5739 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to the second paragraph of section 1 and all of section 3, Engrossed Substitute Senate Bill No. 5801, entitled:

AN ACT Relating to industrial insurance."

This bill would change the rules under which certain firefighters and law enforcement officers may qualify for workers' compensation benefits when they suffer from respiratory disease or have heart attacks. It stipulates that for those firefighters under the LEOFF II pension system, respiratory disease will be presumed to be job related, unless the employer can prove otherwise. It also changes the definition of injury for LEOFF II firefighters and police officers. They would no longer have to prove that a heart attack was due to unusual exertion on the job to qualify for workers' compensation.

I recognize the need to ease the burden of proof required for firefighters who contract respiratory diseases. The establishment of a rebuttable presumption that a respiratory disease is occupationally related for those employees will address a major problem for those who incur legitimate work place respiratory diseases.

However, I do not believe that it is appropriate to change the definition of injury, as proposed in the second paragraph of section 1 and affected in section 3, so that a heart attack is presumed to be job related. While the definition of injury has been the topic of considerable study and discussion for the past two years, there is no conclusive evidence to demonstrate that there is a higher incidence of job-related heart problems in firefighters and law enforcement officers than those in other professions.

With the exception of second paragraph of section 1 and all of section 3, Engrossed Substitute Senate Bill No. 5801 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute Senate Bill No. 5846 entitled:

"AN ACT Relating to boating safety."

This measure would have the Parks and Recreation Commission undertake some additional duties with respect to boating safety on this state's waters.

I have vetoed section 2 which creates a new statutory advisory committee. After reviewing this matter, I find that the purposes and functions of this bill can be fulfilled without creating, in statute, an additional advisory body.

With the exception of section 2, Substitute Senate Bill No. 5846 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 15, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, with my approval as to section 5, Engrossed Substitute Senate Bill No. 5850, entitled:

"AN ACT Relating to traffic infractions."

Section 5 of the bill directs the Department of Licensing to suspend individuals with two or more "failures to appear" on their record. Substitute Senate Bill No. 5061, which I have already signed into law, contains a similar provision. It allows the arrest and conviction of a person with two or more charges of "failure to appear" on his or her driving record in any four-year period from a traffic infraction. It also grants the officer the authority to arrest the person on the spot after receiving radio verification of their driving record from the Department of Licensing.

We have addressed this issue in two different ways in two separate bills. In order to avoid confusion and additional administrative cost to the public and state, I have vetoed section 5. The provisions contained in Substitute Senate Bill No. 5061 will have a much greater impact on this problem without a negative fiscal impact.

With the exception of section 5, Engrossed Substitute Senate Bill No. 5850 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

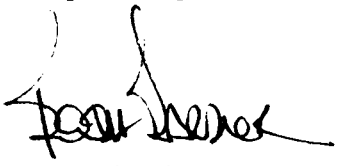
I am returning herewith, without my approval as to section 5, Engrossed Substitute Senate Bill No. 5857, entitled:

"AN ACT Relating to the professional discipline of physicians."

I support this legislation which develops a rehabilitation program for health care professionals impaired by alcohol or drugs. Section 5, however, restricts the ability of the Department of Licensing to provide the best possible protection to the public. By limiting the use of the committee's records in legal proceedings, it would prohibit the Medical Disciplinary Board from being able to use the records when a physician had failed to cooperate or complete a treatment program. This would pose an unnecessary threat to the consumer. Section 6, which I am leaving in the bill, does protect the physician from general public disclosure.

With the exception of section 5, Engrossed Substitute Senate Bill No. 5857 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

June 12, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 10, Engrossed Substitute Senate Bill No. 5901, entitled:

"An Act Relating to fiscal matters."

The main thrust of this legislation provides additional programmatic and budgetary authorities for the State Convention and Trade Center that are necessary to ensure the timely completion of its construction and its fiscally responsible operation. I support the intent and purpose of these sections of the bill.

As a technical matter, I am vetoing section 10 of this bill, which repeals section 317 -- an appropriation for convention center operations -- in Engrossed Substitute House Bill No. 1221, the 1987-89 biennial state budget bill. I am taking separate action to veto section 317 of Engrossed Substitute House Bill No. 1221. Thus, the more current appropriation language contained in this bill, Engrossed Substitute Senate Bill No. 5901, should and will go into effect.

As a separate issue, I have received certain requests to veto sections 7 and 8 of this bill. These sections impose additional conditions on the use of proceeds from two special purpose taxes which the Legislature previously has authorized the City of Bellevue to levy on hotel room sales. The conditions would prohibit the use of those proceeds to finance construction of a facility to house a professional sports team.

This issue arises, in part, as a legislative response to the City of Bellevue's current consideration of a plan to develop a major downtown civic complex, including possibly an arena that could be utilized in the future by the Seattle Supersonics professional basketball team. The Supersonics have several years remaining in their lease at the Seattle Center Coliseum, which is owned and managed by the City of Seattle. However, the Supersonics have recently expressed their potential interest in developing and utilizing a new arena somewhere in the Central Puget Sound region.

The City of Bellevue has not yet made a final decision on whether, or how, it will proceed to develop the project. However, the City would like, in the event that it decides to proceed, to be able to use its portion of state authorized hotel tax proceeds to help finance such a civic complex, including a possible arena. On the other hand, sections 7 and 8 of Engrossed Substitute Senate Bill No. 5901 are a clear statement from the Legislature that it is not appropriate for the proceeds from Bellevue's state-authorized hotel tax to be used to construct a public arena that becomes part of a competition among jurisdictions in the region to secure an existing professional sports franchise tenant.

The question has been raised as to whether prohibiting the City's use of hotel tax proceeds in this manner constitutes an unwarranted state intrusion into local government affairs. After careful consideration, I have concluded that sections 7 and 8 represent the Legislature's further clarification of its intent concerning the use of special purpose hotel tax revenues. I agree with that intent. Therefore, I am signing Engrossed Substitute Senate Bill No. 5901 leaving sections 7 and 8 intact.

I have reached my conclusions on the appropriateness of retaining sections 7 and 8 based on several considerations. First of all, it is the Legislature which authorizes these special purpose hotel taxes that local governments may levy. Further, one of the two special hotel taxes at issue is Bellevue's 2% levy, which is a credit against the state's 6.5% sales tax. In this case, the state is authorizing Bellevue to collect a local tax which would otherwise be revenue to the State General Fund. Also, the Legislature has modified the local authority to levy these taxes, or has imposed new conditions on their use, frequently since original enactment twenty years ago. The most recent such change prior to this year was during the 1986 session. The Legislature then modified King County's authority to use proceeds from its 2% hotel tax, which is also a credit against the state sales tax, in order to provide subsidies in the Kingdome's leases with professional sports teams. Other new conditions were also imposed. In this later instance, the Legislature became highly sensitized to the issue of public subsidies to professional sports franchises through lease concessions in publicly-owned facilities.

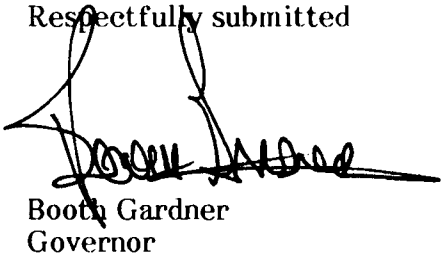
I also have concerns about the potential impact a new taxpayer-financed arena would have on other existing taxpayer-financed facilities in the region. I also concur with the Sonics professional basketball team, whose officers have said that, should they decide they need a new facility, they would prefer to develop one as a totally private venture.

To the Honorable, the Senate
of the State of Washington
June 12, 1987
Page 3

Bellevue officials have indicated that they may pursue construction of such a facility in spite of the prohibitions in sections 7 and 8 in Engrossed Substitute Senate Bill No. 5901. However, I am encouraged that discussions on this issue are involving public officials from throughout the region to consider the regional impact of such a decision. The parties at interest may need to bring this issue back before the Legislature next year.

With the exception of section 10, Engrossed Substitute Senate Bill No. 5901 is approved.

Respectfully submitted



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 18, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 18, Substitute Senate Bill No. 5911, entitled:

"AN ACT Relating to state government."

This bill establishes natural resource conservation areas and imposes a temporary surcharge of 0.06 percent on the state real estate excise tax, RCW 82.45, to fund acquisition of such areas. This surcharge is repealed effective July 1, 1989.

Additionally, the bill repeals the conveyance tax, RCW 82.20, on real estate property transfers and increases the state real estate excise tax rate by 0.21 percent as a replacement for the conveyance tax revenues. The present state real estate excise tax rate is 1.07 percent and would be increased to 1.34 percent by this bill, including the temporary natural resource conservation surcharge. The bill has an emergency clause and becomes effective on the Governor's signature.

Section 18 affects only sections 14 through 17, which repeal the conveyance tax and increase the rate of the real estate excise tax. If section 18 becomes law, it would require conveyance stamps on old instruments which have previously been processed but were held in escrow for recording at a future date. The loss of revenue by removing this section will be minimal compared to the time, effort and confusion it would create for the public and county treasurers by leaving the provision in the law. It would be very difficult to collect this increased tax on old deeds where the escrow had been figured on the rate in effect at the time the transaction took place, prior to the effective date of this bill.

With the exception of section 18, Substitute Senate Bill No. 5911 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

April 20, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill 5944, entitled:

"AN ACT Relating to certified public accountants."

This legislation eliminates the continuing education requirement for certified (nonlicensed) public accountants, and allows that category of accountants to use the title of "Certified Public Accountant" or "CPA" if their activities do not require a CPA license.

The certified public accountant statute in our state historically has provided for a two-tier system, "certified" and "licensed". Under current law, only licensed CPAs are authorized to represent themselves to the public as "CPAs". In 1986, the Legislature passed Chapter 295, Laws of 1986, which created an educational requirement for the "certificated" or nonlicensed CPAs.

This legislation removes the continuing education requirement only for the nonlicensed CPAs. Additionally it allows the same nonlicensed CPAs to represent themselves to the public as "CPAs" as long as they don't practice in subjects reserved for licensed CPAs.

The bill, as it is presently drafted, will confuse the public as far as who is or is not a CPA. Also it is not in the public interest to remove an educational requirement and at the same time allow the same people to hold themselves out as CPAs in their dealings with the public.

I would hope that the Legislature in future sessions would again address this issue to remove or clarify the differences in the two-tiered system regarding licensed and nonlicensed CPAs and to amend the statute in such a fashion that the public will not be confused by the differing categories of accountants who are able to use the title "CPA".

Substitute Senate Bill No. 5944 is vetoed in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval Senate Bill No. 5956, entitled:

"AN ACT Relating to the taxation by a county of persons residing outside the state who are employed inside the county."

This bill would permit counties bordering Idaho to impose an excise tax on persons residing outside the state who are employed inside the county. The amount of the tax would be based on actual government service benefits received by such persons, and the revenues would be allocated to cities and towns. The proposed law would expire if Idaho exempts non-resident common carrier employees from Idaho income taxes.

In short, this bill retaliates against Idaho for taxing the incomes of railroad workers and truckers who pass through the state of Idaho in the course of their business.

I am vetoing this bill for three reasons: First, it is unneighborly for Washington to enact such a retaliatory tax without first engaging in good faith discussions to try to resolve the issue. Second, based on conversations with local government officials, this tax is unlikely to be imposed by Washington counties, even if this bill were to become law. And third, it is unlikely that the technical aspects of implementing such a tax would be feasible, should a county seek to impose the proposed tax.

I have talked with Governor Andrus, and we have agreed to work together to ensure that the issue of taxation of interstate common carrier workers does not become an issue of confrontation between our states. It is my understanding that the Idaho State Legislature has already enacted legislation exempting most interstate truckers from the tax in dispute, and they have expressed a willingness to work cooperatively on any remaining problems. Together we will seek fair tax treatment for Washington and Idaho residents and the elimination of any harassment level of taxation.

For these reasons, Senate Bill No. 5956 is vetoed.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

May 19, 1987

CORRECTED

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6010, entitled:

"AN ACT Relating to the disposal of hazardous waste pesticides."

Substitute Senate Bill No. 6010 directs the Department of Agriculture to set up the administrative structure necessary to implement a pesticide waste disposal program. For this purpose, the bill allows the department to become licensed as a hazardous waste generator.

Pesticide disposal is a growing problem for the agriculture industry of our state. Allowing the department to become licensed as a hazardous waste generator, however, causes the state to assume the long-term liability for the waste. The costs of this liability have not been well considered and could be substantial. It is also not clear that such an action is necessary or even useful in light of various regulations issued by the Environmental Protection Agency.

In addition, the Department of Energy has recently released the Agricultural Hazardous Waste Study which examines the problem of pesticide disposal. The study raises several issues that should be investigated before we design a statewide collection program.

Finally, funding for all hazardous waste disposal programs has been severely reduced. Although there is funding for this program in the budget approved by the Legislature, I believe other factors cited above are more important and require a veto of Substitute Senate Bill No. 6010.

For these reasons, I have vetoed Substitute Senate Bill No. 6010.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

June 12, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 8(9), 9 and 10, Engrossed Substitute Senate Bill No. 6016, entitled:

"AN ACT Relating to transportation revenue and taxation."

Section 8(9), Page 12, Transfer of Excess Mass Transit funds

This section would require, beginning with the 1989-91 biennium, that unmatched local mass transit funds be transferred into the Puget Sound Ferry Operations Account. These unmatched funds have historically reverted to the General Fund. The June 30, 1989 sunset clause on the .1% MVET increase which is dedicated to ferry systems operations creates a need in the 1989-91 biennium for additional funding. Given the demands the operating budget places on the General Fund in future biennia, this transfer is not fiscally responsible.

Section 9 and 10, Page 12, Ferry System Fuel Tax Exemption

These sections exempt the ferry system from paying the fuel tax. This exemption has a biennial fiscal impact of $1 million on the General Fund. The funding to pay the fuel tax is in the Department of Transportation 1987-89 budget.

With the exception of sections 8(9), 9 and 10, Engrossed Substitute Senate Bill No. 6016 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

April 29, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 601, Substitute Senate Bill No. 6048, entitled:

"AN ACT Relating to mandatory arbitration."

Substitute Senate Bill No. 6048 makes a number of technical and substantive changes to the Tort Reform Act of 1986.

Section 601 requires the state Risk Manager to conduct or contract for a feasibility study on the cost and benefits of the State of Washington providing excess liability and property insurance to political subdivisions of the state. No appropriation is provided for this study and the Risk Manager currently faces the possibility of budgetary reductions. In order to conduct the study, it would require an experienced actuary and such personnel are not available on staff.

Also, local governments currently have the opportunity of establishing joint cooperative self-insurance funds under the provisions of RCW 48.62. I would encourage them to pursue the possibilities of establishing excess coverage through such a mechanism in a joint cooperative effort.

With the exception of section 601 and the reference to it in section 1903, Substitute Senate Bill No. 6048 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 19, 1987

CORRECTED COPY

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6053, entitled:

AN ACT Relating to educational service districts."

Section 1 of this bill would allow Educational Service Districts to borrow money to purchase real or personal property for their operations.

Educational Service Districts are not local entities and are not accountable to local constituencies. They are agencies with no guaranteed source of income or revenue with which to secure borrowed funds. The primary source of revenue for Educational Service Districts comes from local school district participation. School districts do have accountability to local constituencies. They also have the authority to borrow funds, and could do so cooperatively in support of Educational Service Districts, should such a need arise.

With the exception of section 1, Senate Bill No. 6053 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

June 12, 1987

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 9(4), 10(4), 25(2) and 41, Engrossed Substitute Senate Bill No. 6076, entitled:

"AN ACT Relating to transportation appropriations."

Section 9(4), Page 3, Curbstone Program

This section, while not prescriptive, allows for expansion of the "Curbstone" program. The numbers and language are contradictory in that the amount identified for expansion erroneously includes the base, while expenditures are limited to funding source revenues, which would not be sufficient to support the specified expansion.

Section 10(4), Page 4, Public Safety and Education Account Transfer

This section transfers funds out of the Public Safety and Education Account into the Highway Safety Fund. In recent years, the legislature has expressed a desire for an open process in determining the levels of appropriations to various agencies from the Public Safety and Education Account. This transfer circumvents that process by dedicating a portion of the revenues accrued to the Public Safety and Education Account to the Highway Safety Fund. Also, the amount developed in the March, 1987, forecast is less than the amount appropriated, which appears to be unintended and could result in the account being over-extended.

To the Honorable, the Senate
of the State of Washington
June 5, 1987
Page 2

Section 25(2), Page 11, Increased Appropriation for Highway Stores

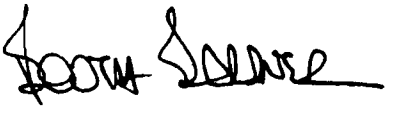
This section allows the Department of Transportation's appropriation to be increased by an unspecified amount. This is in violation of Article 8, section 4 of the Constitution because it fails to distinctly specify the amount of the appropriation.

Section 41, Page 20, Service Fund Charges

This section puts caps on revolving fund payments by the Washington State Patrol, the Department of Licensing and the Department of Transportation. The section references assumed budgeted amounts for revolving funds which have not been established. This section creates an inconsistency relative to other state agencies in the matter of revolving fund charges.

With the exception of sections 9(4), 10(4), 25(2) and 41, Engrossed Substitute Senate Bill No. 6076 is approved.

Respectfully submitted,



Booth Gardner
Governor

Section III

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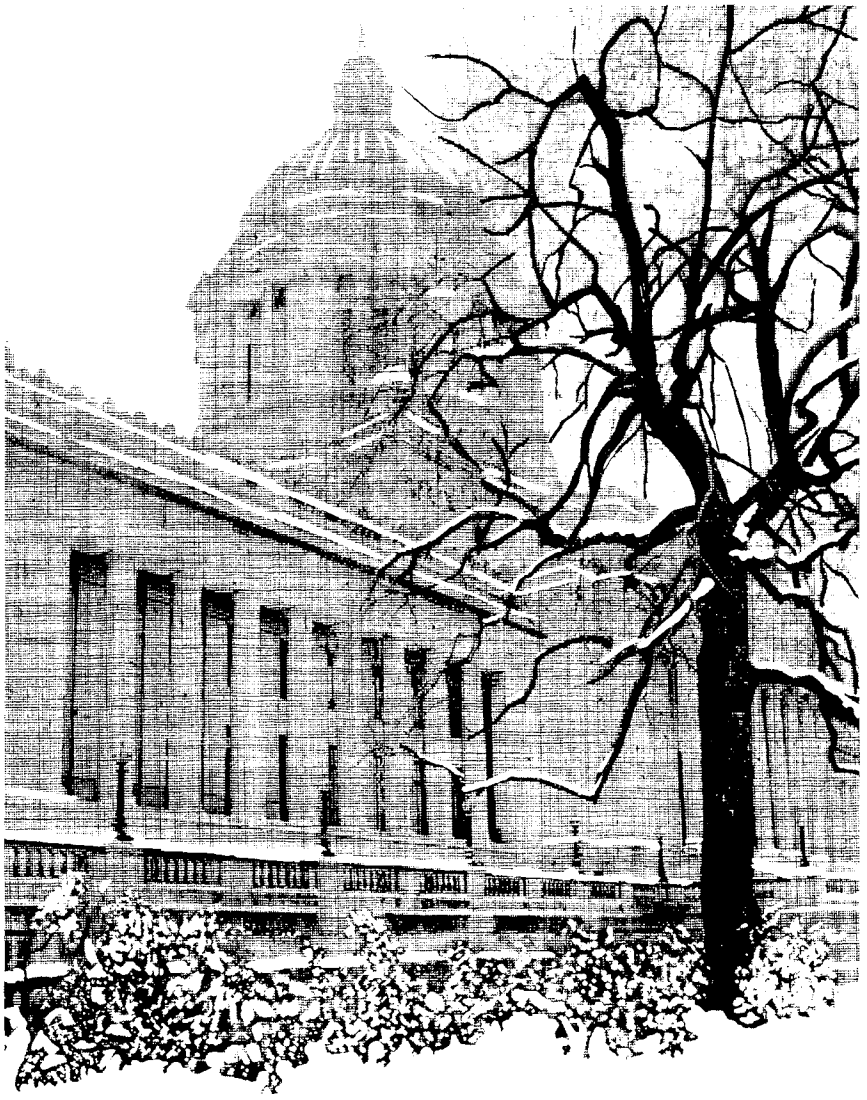

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HB	452	f	Day care/school based	487
SHB	454		Boards & cmsns/revisions	330
2SHB	455	f	School finances/enhance	2 E1
2SHB	456	f	Learning enhancement prgrms	518 PV
SHB	458		Telecomm/measured service	333

Bill No.			Title	Chapter No.
			HOUSE BILLS—cont.	
HB	462		Indust ins paymnts/penalty	470 PV
SHB	465		Wage claims	172
SHB	476	f	Banking regulations	420
2SHB	477	$f	Health care access act 1987	5 E1
2SHB	480	f	Indian children/protections	170
SHB	489		Probate provisions	157
SHB	492		Tuition/fees/installmnts	15
SHB	498		Collective barg/firemen/EMTs	521 PV
SHB	499		Wastewater permit/issuance	500
SHB	506	f	Childrens trust fund	351
SHB	508	f	Access devices/crimes	140
HB	520		Nonprofit corp/provsns	117
SHB	522	f	State land exchanges	113
SHB	523		Pollution control facilities	436
HB	541		Joint operating agencies	376
SHB	542	f	Traps on private property	372
HB	545		Correcting double amendment	145
HB	549		Centennial cmsn/exec sec	300
HB	551	f	Aquatic lands/sales	350
HB	559	f	Vanpool laws/extending	175
SHB	563	$f	Uniform disciplinary act	150
2SHB	569		WA wine commission	452
SHB	571		Water treat plant/municipal	399
SHB	578	f	Taxing dist boundaries	358
SHB	585		Vehicle registration	142
2SHB	586	$f	Child protective services	503 PV
HB	590		Govt official/civil liabilty	263
SHB	601		Public accomodtns/pay for	353
SHB	611	$	Navy home port Everett/funds	272
SHB	614		Absentee voter/revisions	346 PV
SHB	621		Bonds/capital projects	3 E1
HB	628	f	Tax/cmrcl fishng diesel fuel	494
HB	629		Pilot discipline board	392
SHB	630		Pilotage requirements	485 PV
HB	643		Bonds/special assessment use	169
SHB	644	f	DOE/certify testing labs	481
SHB	646	f	Drug treatmnt shelter prgrm	406
SHB	648	f	Noxious weed control/prvsns	438 PV
HB	654		Unemploy ins/contributns	213
SHB	656	$	Service for unemployed prgrm	171
HB	658		Precinct cmteman/filing form	133
HB	663		Breath alcohol testing	247
SHB	665	f	SSI referral program	177
SHB	669		Bicycles/unclaimed/charity	182
HB	671		Construction/new/assessment	134
SHB	677	f	Industrial ins administratn	316
HB	678	f	Right-to-know advis council	24
2SHB	684	f	Criminal sentencing/provsns	456 PV
SHB	695	f	Prop tax/seniors/disabled	301
SHB	697	f	Long-term care ombudsmen	158
HB	698		Local govt charges/collectn	355

PV - Partial Veto; E1 - First Special Session; $ - Appropriation; f - Fiscal Note

HOUSE BILLS—cont.

Bill No.			Title	Chapter No.
HB	699	f	Medicine/limited licenses	129
HB	701		Aircraft/survival kits	273
SHB	706	f	Youth employmnt & conservtn	167
HB	707	f	WA conservation corps	367
HB	713	f	Debt–related securities	421
SHB	732		Audit services revolvng fund	165
SHB	734		Erotic material/minor access	396
SHB	738	f	Correctns standrds brd/elim	462
SHB	739	$	Bond ceiling/private activty	297
SHB	743	f	Econ revitalztn board/laws	422
SHB	746		Ferries/passngr only/purchas	183
HB	748		Urban arterial trust account	360
SHB	750		Farm contractr security bond	216
HB	753		Criminl mistreatmnt/classify	224
SHB	755	f	Community corrections	312
2SHB	758	$	Wildlife/dept of	506 PV
SHB	763	f	Health care/consent	162
SHB	767	$f	Respiratory care practitnrs	415 PV
HB	770	f	School curriculm/envrironmnt	232
HB	772	f	Property tax provisions	319 PV
SHB	773		Voter registration/invalid	359
SHB	776		School employ/hearng officrs	375
SHB	782		Lobbyist/reportng requirmnts	423
SHB	783		Milk agreements/cooperatives	164
SHB	786	f	School dist/innovative prgrm	401
SHB	790	f	Timeshares/laws	370
HB	795		Marriage/authorized persons	291
SHB	805		School plant constructn/fund	112
2SHB	813	$f	Children/Governors cmsn	473 PV
HB	815		Storm water control	241
HB	816		Civil service systm/sheriff	251
HB	825		Motor vehicle fund uses	234
HB	827	f	Pupil transportatn/bids	141
HB	831	f	Horse racing cmsn/revsns	453
SHB	833		WA efficiency study cmsn	480
HB	843		Radiation maintenance fund	184
SHB	844		Dependnt care prgrm/st emply	475
HB	856	f	Bed & brkfst industry/study	276
SHB	857		Teachers scholarship prgrm	437
HB	865	f	Duty disabilty/servce credit	118
SHB	876	f	Methadone treatment programs	410
SHB	902		Civil service exemptions	339
SHB	920		Insurance rates/anti–theft	320 PV
SHB	927		Judgments/enforcement	442 PV
SHB	928	f	Subtidal clams/land leasing	374
SHB	931		Legend drug samples/dispense	411
SHB	937		Self–insurers/claim forwrdng	290
SHB	942	f	Medical examinrs brd/member	116
HB	947	f	MV excise tax/collection	260
HB	954		Election laws/genderless	295 PV
HB	959		Init/referendum/cities	Vetoed

Bill No.		Title	Chapter No.
		HOUSE BILLS—cont.	
SHB 970	f	Mental institution/reimburse	Vetoed
SHB 978	f	Yakima river basin enhancmnt	517 PV
SHB 982		Teacher certification	464
SHB 984	f	Parimutuel wagers/satellite	347
HB 985		MV ins reduction/ed courses	377
HB 992		Utility service termination	356
SHB 995	f	Mobile home park purchase	482 PV
SHB 1004	f	Chiropractic discipline brd	160
2SHB 1006	$	Nursing homes/provisions	476 PV
SHB 1012		PUD annexation areas	292
HB 1014		Local improvmnts/public corp	242
HB 1016		County fees reduction	381
HB 1021	$f	Higher ed opportunity progrm	305
HB 1027	f	Timber sale/trust lands	126
HB 1034		Rail development account	428
SHB 1035	$	Rail development commission	429
HB 1049		Alcohol tests/breath/blood	373
SHB 1065	$f	Fingerprint I.D. system	450
HB 1067	f	Public retirement/options	143
SHB 1069		Worker comp/obsolete refrnce	185
HB 1087	f	Prop tax/arts organizations	468
HB 1090	f	Tax exmption/student loan	433
SHB 1097	f	Tuition–fee progrm/reciprocl	446
SHB 1098	f	Tidelands/fed govt agreement	274
HB 1123		Grade crossing fund/MV fund	257
SHB 1128	f	Retiremnt/part–time teachers	265
SHB 1132	f	Tri–Cities/economy	501
HB 1137	f	Tax/low–income housing	282
SHB 1156	f	Distressed area requirements	461
SHB 1158		Liquor license/exporters	386
SHB 1160		Road/maintenance costs/study	424
HB 1180	f	Residency/to college in 6 mo	137
HB 1185	f	Levy rates/junior tax dists	255
SHB 1197	f	School capital projects	413
HB 1199		Service of process/designee	361
HB 1204	f	Sexul abuse/sentencing	131
HB 1205	f	Water quality acct/distrib	516 PV
SHB 1221		Appropriations act/87–89	7 PV E1
HB 1228		Alcohol & substance abuse	458 PV
HB 1239		Fiscal matters	Vetoed
		SENATE BILLS	
SSB 5001	f	Judicial council revised	322
SB 5002	f	Judicial conduct commission	186
SB 5008	f	Property tax by check	211
SB 5009	f	Dialysis property tax	31
SB 5010		Legislative terms	13
SB 5013		Street vacation/abut water	228
SSB 5014	f	Weatherization low–income	36
SB 5015		Municipal ct terminology	3

PV – Partial Veto; E1 – First Special Session; $ – Appropriation; f – Fiscal Note

SENATE BILLS—cont.

Bill No.		Title	Chapter No.
SB 5017		District court terminology	202 PV
SB 5019		Sewer water levies	33
SSB 5022	$	Public works appropriation	5
SSB 5024	f	Contractor reg # advertising	362
SB 5032		Antique slot machine	191
SB 5034		Model traffic ordinance	30
SB 5035	f	IAC outdoor rec extend	425
SSB 5045	f	Vote canvass recount	54
SSB 5046		Health/disabl insur riders	37
SSB 5047	f	POW license plates	98
SB 5051	f	Environmental excellence	67
SSB 5058		Failure to adopt rules	451
SB 5060		Intoxicated pedestrians	11
SSB 5061		Traffic laws misdemeanor	345
SB 5062		Probable cause to stop MV	66
2SSB 5063	$f	Child abuse info employees	486
SB 5067		Domestic violence orders	71
SB 5069		Public utility budgets	38
SSB 5071	f	Dangerous wastes	488
2SSB 5074	f	Involuntary commitment	439 PV
SB 5080		Exempt pension money	64
SSB 5081	$f	Winter recreation	526
SB 5085		Warehousemen's liens	395
SSB 5088		Visitation custody interfere	Vetoed
SSB 5089		Child abuse homicide	187
SSB 5094	f	Spec builders labor tax	285
SB 5097	f	Utility regulation	229
SSB 5104	f	Parks improvement account	225
SB 5105	f	Poisons – licenses	34
SSB 5106		Organized crime	65
SSB 5107	f	MV excise tax levy period	235
SB 5110	f	Wash scholar award	465
SSB 5113		Seat belt insurance	310 PV
SB 5120	f	County auditors	302
SSB 5123	f	Highway advertising	469 PV
SSB 5124		Junk vehicles	311 PV
SB 5129	f	1st Ave South bridge	510
SSB 5130		Liquor by the bottle	196
SSB 5136	f	Pearl Harbor	44
SB 5138	f	Tax deferral/credit info	49
SB 5139	f	Cigarette tax	80
SSB 5142		Harassment	280
SSB 5143		Public employment records	404 PV
SSB 5144	f	Fertilizers pesticides	45
SB 5146		Port commission life insur	50
SB 5148	f	Dept Blind/serv continued	60
SB 5149	f	Ct of appeals sessions	43
SSB 5150	$f	Pension portability	192
SSB 5155	$f	School dist annex	100
SB 5159	f	Puget Island ferry	368
SB 5160	f	Poisons/haz substances	236

Bill No.		Title	Chapter No.
		SENATE BILLS—cont.	
SB 5161	f	Mental hosp/purch authority	70
SSB 5163	f	Midwives	467
SB 5164	f	Radioactive materials	90
SSB 5170	f	Agri fees assessments	35
SB 5172		Victims/witnesses/crimes	281
SSB 5174	f	Land bank	29
SB 5178	f	Commodity brokers	243
SSB 5179	f	Private printing	72
SSB 5180	f	St purchasing	81
SSB 5181	f	Charity donation receptacles	385
SSB 5191		Comm on Hispanic Affairs	249
SSB 5193		Mining public lands	20
SB 5194	f	UCC fees	189
SSB 5196		Insurance/immunity	51
SB 5197	f	Community college exchange	12
SSB 5199	f	Port district boundary	82
SB 5201	f	Conflict of interest	426
SB 5204	f	Hospital superintendent	58
SB 5205	f	Judges pro tempore	73
SSB 5206	f	Superior ct judge additional	323 PV
SSB 5212	f	Temporary retail liquor lic	217
SB 5217	f	Wellness program	248
SSB 5219		Naturopathic physicians	447
SSB 5225		Community coll collect barg	314
SB 5227	f	DSHS finance recovery	75
SSB 5232	f	Unemploy comp base years	278
SB 5245	f	Reflectorized warnings	226
SB 5247	f	School program approval	39
SB 5248	f	Vocational curriculum	197
SSB 5249	f	Ct filing fees	382
2SSB 5252	$f	Child abuse prevention	489
SSB 5253	f	Displaced homemakers	230
SSB 5254		Minors/liquor sales	101
SB 5265		Beer retailers	205
SSB 5274	f	In-service training	519
SB 5277	f	Reflectorized licenses	52
SSB 5285	$f	Public broadcasting	308
SSB 5288	f	Veteran affairs assault	102
SSB 5293	f	Social welfare/B&O tax	4 E1
SSB 5299	f	Massage therapy	443 PV
SSB 5301		Vicious dogs	94
SSB 5312	$f	St patrol/collective barg	135
SSB 5318		Burning permits	21
SSB 5326	$f	Disability training	369
SB 5327	f	Special attn disabled	76
SSB 5329	f	Disincentives to work	91
SSB 5330	$f	Disabil accommodation fund	9
SB 5331	f	Disabled/data	10
SB 5335		Boundary review boards	477
SB 5348	f	Hulk haulers/ownership	62
SSB 5351		Supplemental budget	7

SENATE BILLS—cont.

Bill No.		Title	Chapter No.
SSB 5371	f	Discriminatory covenants	56
SB 5380	$f	Retirement cost–of–living	455
SB 5381	f	Slaughtering	77
SSB 5389	f	Noise control	103
SSB 5392	f	Unemployment comp/benefit yr	256
SSB 5393	f	Older/long–term unemployed	284
SB 5402	f	PERS restoration	88
SB 5403		Veterans affairs committee	59
SSB 5405	f	Right to know	365
SB 5408	f	Asbestos	219
SB 5410	f	Employment security appeals	61
SB 5412		Nurse/patient privilege	198
SB 5413		St highway update	199
SB 5415	f	WSDOT rights of way	68
SB 5416	f	WSDOT limited acces	200
SSB 5417		Ferry system leases	69
SB 5418		St patrol memorial fund	63
SSB 5423		Consular license plates	237
SB 5427	f	Ecology procedure simplify	109 PV
SB 5428		Cities/competitive bid	400
SB 5433	f	Teacher certification	40
SSB 5439		Surveys & maps	466
SB 5442	f	Forest fire priority	Vetoed
SB 5444	f	Money making challenge	246
2SSB 5453	$f	Respite care	409
SSB 5456		Supplemental trans budget	270
SB 5463	$f	K–12 international ed	349
SSB 5464	f	Dist ct credit cards	266
SSB 5466	f	HMO fees	83
SB 5469	f	DTED obsolete references	195
SSB 5479	f	School/teacher improve	525 PV
SB 5483	f	Higher ed retire leaves	448
SSB 5495	f	Food fish/personal use	87
2SSB 5501	$	Aquatic land dredge acct	259
SSB 5502	f	MV warranty enforce	344
SSB 5510	f	Real estate licenses	332
SSB 5511	f	Retirement/mandatory assign	326
SSB 5512	f	PERS/service credit	384
SB 5513	f	State Patrol/retirement	215
SSB 5514		Water/sewer competitive bids	309
2SSB 5515	$f	Vessel dealer registration	149
SSB 5519		Vesting of rights	104
SSB 5520		Improvement dist 200%	340
SB 5522	f	Public works contracts	218
SB 5523	f	Credit cards/st agencies	47
SB 5529	f	MWBE certification	328
SSB 5530	f	Office of small business	348
SSB 5533		Ocean resources assessment	408
SB 5536	f	Scenic rivers	57
SB 5541	f	Liquor bd audit	74
SB 5546	f	Assault	324

Bill No.		Title	Chapter No.
		SENATE BILLS—cont.	
SB 5549	f	Execution dates	286
SB 5550	f	Sexual offenders	402
2SSB 5555	f	Information technology	504 PV
SB 5556		Floodplain management	523 PV
SSB 5561	f	Auction companies	336
SB 5564		Housing authorities	275
SSB 5565	f	Gas delivery meters	42
SSB 5570	f	Incinerator residues	528 PV
SB 5571	f	Grain idemnity fund	509
SSB 5581		Beer samples	46
SSB 5584	f	L&I claim misrepresentation	221
SSB 5594	f	Water rights claims	93
SB 5597	f	Cosmetology	445
SSB 5598	f	Community mental services	105
SSB 5604	f	Navy conveyances	271
SB 5605	f	Proportional vehicle regis	244
SSB 5606	f	Budget & accounting	502 PV
SSB 5608		Animal cruelty	335 PV
SSB 5622	f	Beginning teachers asst	507
SSB 5632		Learning asst program	478
SB 5642	f	SPI food services	193
SSB 5650		Pilot qualifications	264
2SSB 5659	f	Protection of children	524 PV
SB 5666		SR 161/Enchanted Pkwy	520
SB 5668	f	Securities/pub serv comp	106
SB 5678	f	Deaf students/comm coll fee	390
SSB 5679		UTC/confidental information	107
SB 5685	$f	Apple advertis comm/bonds	6
SSB 5688	f	Higher ed/commercial activ	97
SB 5693	f	Voting time/employees	296
SB 5712	f	Nonresident student/defined	96
SSB 5717	$f	Nonprofit corp/finance activ	190
SB 5732	f	Right-of-way donations	267
SB 5735		Approach rds/st hwy/standard	227
SB 5739	f	Escrow agents/bonds/errors	471 PV
SB 5740	f	Ferry employees' compensa	78
SB 5747		Nonprofit historic preserv	341
SSB 5761	f	Electrical install/rules	79
SSB 5763	f	Surplus salmon eggs/sale	48
SB 5764	f	Washington sunrise act	342
SB 5774	f	ID on dentures	252
SSB 5779	f	Vehicle mech breakdown insur	99
SB 5780	f	Campaign funds/investment	268
SSB 5801	f	LEOFF/medical/presumption	515 PV
SSB 5814		Mobile homes	313
SB 5822		Short plat regulations	92
SSB 5824	f	Assault institution	188
SSB 5825		Horizontal property	383
SSB 5830	f	UCC/organ transplants	84
SSB 5838		Health studios mem/sales	317
2SSB 5845	f	Forest practices	95

Bill No.		Title	Chapter No.
		SENATE BILLS—cont.	
SSB 5846	$f	Boating safety	427 PV
SSB 5849		Insurance cancellation	14
SSB 5850		Traffic infractions	397 PV
SSB 5857	$f	Impaired physicians	416 PV
SSB 5858	f	Mobile homes/sales tax	89
SB 5861		Small passenger vessels	194
SB 5863		Mobile homes age/parks	253
2SSB 5871	$f	Day care/community coll	287
SSB 5880	$f	Tuition recovery/private voc	459
SB 5882	f	Contractors/insur requiremnt	303
SSB 5892		Land subdiv/site plan exempt	108
SSB 5901	$	Convention center/finance	8 PV E1
SSB 5911	$f	DNR purchase properties	472 PV
SB 5936	f	Contingent-fee lobbying	201
SSB 5944	f	CPA/continuing education	Vetoed
SB 5948		MV retail contracts/interest	318
SB 5955	f	Muni ownership/prof sports	32
SB 5956	f	Idaho workers in Washington	Vetoed
SB 5972	f	Peer review/liability	269
SB 5976	f	Livestock liens	233
SSB 5977	$f	Ed telecommunications netwk	279
SSB 5978	f	Tributyltin in paints	334
2SSB 5986	$f	Oil spill damage assessment	479
2SSB 5993		DOE/public waters	343
SB 5996	f	Wash voc tech center	492
SB 6003		Water rts/nonrelinquishment	491
SSB 6010	$f	Pesticides disposal	Vetoed
SB 6012		Indecent exposure	277
SSB 6013	$f	Off of child care resources	329
SSB 6016		Trans revenue & tax	9 PV E1
SSB 6023	f	Port dists/mortgage facil	289
SSB 6033	f	Hops/B&O tax	495
SB 6038	f	Dialysis centers/drugs	41
SSB 6048	f	Civil actions/liabilities	212 PV
SB 6053		ESD/board powers	508 PV
SSB 6061	f	Community docks	474
SSB 6064	f	Lodgings/local excise tax	483
SB 6065		Collection agencies/records	85
SSB 6076		Transportation approp	10 PV E1

Chapter No.		Title	Bill No.
		REGULAR SESSION	
1	$f	Citizns cmsn salaries/approp	HB 315
2	f	Unemploymnt comp/lock outs	SHB 445
3		Municipal ct terminology	SB 5015
4		Gambling statutes/recodified	HB 6
5	$	Public works appropriation	SSB 5022
6	$f	Apple advertis comm/bonds	SB 5685
7		Supplemental budget	SSB 5351
8	f	Profssorshp trust fund prgrm	2SHB 339
9	$f	Disabil accommodation fund	SSB 5330
10	f	Disabled/data	SB 5331
11		Intoxicated pedestrians	SB 5060
12	f	Community college exchange	SB 5197
13		Legislative terms	SB 5010
14		Insurance cancellation	SSB 5849
15		Tuition/fees/installmnts	SHB 492
16	$f	Local governance study cmsn	SHB 296
17		Emergency service districts	SHB 11
18		Public util estab jt util	SHB 9
19		Public loans w/o bonds	SHB 263
20		Mining public lands	SSB 5193
21		Burning permits	SSB 5318
22		Implied consent law/revsns	HB 295
23	f	Christmas trees excise tax	HB 1
24	f	Right–to–know advis council	HB 678
25		Jt cmte on pension policy	HB 358
26		Nat'l guard/state liability	SHB 98
27	f	Tax/personal property	HB 204
28	f	Food coupons/tax exemption	HB 282
29	f	Land bank	SSB 5174
30		Model traffic ordinance	SB 5034
31	f	Dialysis property tax	SB 5009
32	f	Muni ownership/prof sports	SB 5955
33		Sewer water levies	SB 5019
34	f	Poisons – licenses	SB 5105
35	f	Agri fees assessments	SSB 5170
36	f	Weatherization low–income	SSB 5014
37		Health/disabl insur riders	SSB 5046
38		Public utility budgets	SB 5069
39	f	School program approval	SB 5247
40	f	Teacher certification	SB 5433
41	f	Dialysis centers/drugs	SB 6038
42	f	Gas delivery meters	SSB 5565
43	f	Ct of appeals sessions	SB 5149
44	f	Pearl Harbor	SSB 5136
45	f	Fertilizers pesticides	SSB 5144
46		Beer samples	SSB 5581
47	f	Credit cards/st agencies	SB 5523
48	f	Surplus salmon eggs/sale	SSB 5763
49	f	Tax deferral/credit info	SB 5138
50		Port commission life insur	SB 5146
51		Insurance/immunity	SSB 5196

Chapter No.		Title	Bill No.
		REGULAR SESSION—cont.	
52	f	Reflectorized licenses	SB 5277
53		Park dist cmsnrs terms	SHB 313
54	f	Vote canvass recount	SSB 5045
55	f	Limited partnerships provsns	SHB 393
56	f	Discriminatory covenants	SSB 5371
57	f	Scenic rivers	SB 5536
58	f	Hospital superintendent	SB 5204
59		Veterans affairs committee	SB 5403
60	f	Dept Blind/serv continued	SB 5148
61	f	Employment security appeals	SB 5410
62	f	Hulk haulers/ownership	SB 5348
63		St patrol memorial fund	SB 5418
64		Exempt pension money	SB 5080
65		Organized crime	SSB 5106
66		Probable cause to stop MV	SB 5062
67	f	Environmental excellence	SB 5051
68	f	WSDOT rights of way	SB 5415
69		Ferry system leases	SSB 5417
70	f	Mental hosp/purch authority	SB 5161
71		Domestic violence orders	SB 5067
72	f	Private printing	SSB 5179
73	f	Judges pro tempore	SB 5205
74	f	Liquor bd audit	SB 5541
75	f	DSHS finance recovery	SB 5227
76	f	Special attn disabled	SB 5327
77	f	Slaughtering	SB 5381
78	f	Ferry employees' compensa	SB 5740
79	f	Electrical install/rules	SSB 5761
80	f	Cigarette tax	SB 5139
81	f	St purchasing	SSB 5180
82	f	Port district boundary	SSB 5199
83	f	HMO fees	SSB 5466
84	f	UCC/organ transplants	SSB 5830
85		Collection agencies/records	SB 6065
86		Radioactive waste/entry	SHB 385
87	f	Food fish/personal use	SSB 5495
88	f	PERS restoration	SB 5402
89	f	Mobile homes/sales tax	SSB 5858
90	f	Radioactive materials	SB 5164
91	f	Disincentives to work	SSB 5329
92		Short plat regulations	SB 5822
93	f	Water rights claims	SSB 5594
94		Vicious dogs	SSB 5301
95	f	Forest practices	2SSB 5845
96	f	Nonresident student/defined	SB 5712
97	f	Higher ed/commercial activ	SSB 5688
98	f	POW license plates	SSB 5047
99	f	Vehicle mech breakdown insur	SSB 5779
100	$f	School dist annex	SSB 5155
101		Minors/liquor sales	SSB 5254
102	f	Veteran affairs assault	SSB 5288

Chapter No.		Title	Bill No.
		REGULAR SESSION—cont.	
103	f	Noise control	SSB 5389
104		Vesting of rights	SSB 5519
105	f	Community mental services	SSB 5598
106	f	Securities/pub serv comp	SB 5668
107		UTC/confidental information	SSB 5679
108		Land subdiv/site plan exempt	SSB 5892
109 PV	f	Ecology procedure simplify	SB 5427
110		Ballot order rotation	SHB 124
111	f	Business ID system/agencies	HB 148
112		School plant constructn/fund	SHB 805
113	f	State land exchanges	SHB 522
114		Game cmsn/meeting dates	HB 136
115	f	Hazard waste mangmnt/award	HB 49
116	f	Medical examinrs brd/member	SHB 942
117		Nonprofit corp/provsns	HB 520
118	f	Duty disabilty/servce credit	HB 865
119	f	Ed info revolving fund	HB 410
120		Public contracts/bids	SHB 186
121		Deferred comp fund/rename	HB 377
122	f	Ins board revolv fund/rename	HB 378
123		Irrigatn offcs/polling place	HB 68
124		Irrigation districts	HB 75
125	f	Water rights/conservtn prgms	SHB 232
126	f	Timber sale/trust lands	HB 1027
127	f	Veh ownership transfer	HB 255
128	f	Prop Ins Inspec Plcmnt Prgrm	HB 51
129	f	Medicine/limited licenses	HB 699
130		Credit ins/provisions	SHB 147
131	f	Sexul abuse/sentencing	HB 1204
132		Insurers/convention blank	HB 31
133		Precinct cmteman/filing form	HB 658
134		Construction/new/assessment	HB 671
135	$f	St patrol/collective barg	SSB 5312
136	f	Service credits PERS	SHB 424
137	f	Residency/to college in 6 mo	HB 1180
138	f	Loc govt dists/withdraw area	SHB 298
139	f	B&O tax/barley	HB 66
140	f	Access devices/crimes	SHB 508
141	f	Pupil transportatn/bids	HB 827
142		Vehicle registration	SHB 585
143	f	Public retirement/options	HB 1067
144	f	Drugs/out–of–state physician	HB 235
145		Correcting double amendment	HB 545
146	f	Retirement service credits	HB 406
147	$f	Trust fund/grad students	2SHB 257
148	f	Liens/commercial fishermen	SHB 60
149	$f	Vessel dealer registration	2SSB 5515
150	$f	Uniform disciplinary act	SHB 563
151		L&I appeals of orders	HB 187
152	f	Presuit investigtn powr/A.G.	HB 142
153	f	MV transp company/assessment	HB 205

Chapter No.		Title	Bill No.
		REGULAR SESSION—cont.	
154		Minors arrest/alcohol	SHB 42
155	f	Property tax/mobile homes	HB 44
156	f	Property taxes/appeal	HB 96
157		Probate provisions	SHB 489
158	f	Long-term care ombudsmen	SHB 697
159	f	Sustainable harvest	SHB 55
160	f	Chiropractic discipline brd	SHB 1004
161		Init-Ref/filing time	SHB 188
162	f	Health care/consent	SHB 763
163	f	Veterinary biologics/sale	HB 374
164		Milk agreements/cooperatives	SHB 783
165		Audit services revolvng fund	SHB 732
166	f	Timber excise tax	HB 199
167	f	Youth employmnt & conservtn	SHB 706
168	f	Prop tax levy/adjust	HB 197
169		Bonds/special assessment use	HB 643
170	f	Indian children/protections	2SHB 480
171	$	Service for unemployed prgrm	SHB 656
172		Wage claims	SHB 465
173	f	WSP retirement/spouses	HB 248
174	f	MV fuel taxes/payment	SHB 347
175	f	Vanpool laws/extending	HB 559
176		Emergency veh restrictions	HB 431
177	f	SSI referral program	SHB 665
178		License plate/centennial	HB 261
179		Highways/priority progrmming	HB 352
180		Conservation cmsn membershp	SHB 329
181		Driving recrd/treatmnt agncy	SHB 415
182		Bicycles/unclaimed/charity	SHB 669
183		Ferries/passngr only/purchas	SHB 746
184		Radiation maintenance fund	HB 843
185		Worker comp/obsolete refrnce	SHB 1069
186	f	Judicial conduct commission	SB 5002
187		Child abuse homicide	SSB 5089
188	f	Assault institution	SSB 5824
189	f	UCC fees	SB 5194
190	$f	Nonprofit corp/finance activ	SSB 5717
191		Antique slot machine	SB 5032
192	$f	Pension portability	SSB 5150
193	f	SPI food services	SB 5642
194		Small passenger vessels	SB 5861
195	f	DTED obsolete references	SB 5469
196		Liquor by the bottle	SSB 5130
197	f	Vocational curriculum	SB 5248
198		Nurse/patient privilege	SB 5412
199		St highway update	SB 5413
200	f	WSDOT limited acces	SB 5416
201	f	Contingent-fee lobbying	SB 5936
202	PV	District court terminology	SB 5017
203		Park district treasurers	HB 194
204		Alcohol sales/minors	HB 110

Chapter No.		Title	Bill No.
		REGULAR SESSION—cont.	
205		Beer retailers	SB 5265
206	f	Developmntally disabld/abuse	SHB 153
207	f	Util tax/sewerage collection	HB 200
208	f	Tax notices/delinquent	HB 203
209	f	UTC permits	HB 250
210		Industrial ins premiums	HB 399
211	f	Property tax by check	SB 5008
212 PV	f	Civil actions/liabilities	SSB 6048
213		Unemploy ins/contributns	HB 654
214	f	Emergncy med servces/provsns	SHB 237
215	f	State Patrol/retirement	SB 5513
216		Farm contractr security bond	SHB 750
217	f	Temporary retail liquor lic	SSB 5212
218	f	Public works contracts	SB 5522
219	f	Asbestos	SB 5408
220	$f	Aircraft regis–tax/DOT	HB 403
221	f	L&I claim misrepresentation	SSB 5584
222	f	Water recreation provisions	SHB 259
223	f	Public health fees/provsns	SHB 258
224		Criminl mistreatmnt/classify	HB 753
225	f	Parks improvement account	SSB 5104
226	f	Reflectorized warnings	SB 5245
227		Approach rds/st hwy/standard	SB 5735
228		Street vacation/abut water	SB 5013
229	f	Utility regulation	SB 5097
230	f	Displaced homemakers	SSB 5253
231		Voc excellence award/tuition	SHB 138
232	f	School curriculm/envrironmnt	HB 770
233	f	Livestock liens	SB 5976
234		Motor vehicle fund uses	HB 825
235	f	MV excise tax levy period	SSB 5107
236	f	Poisons/haz substances	SB 5160
237		Consular license plates	SSB 5423
238	f	Hazardous materials	SHB 154
239	f	Solid waste managmnt/provsns	SHB 238
240		Insurers/financing coverage	HB 310
241		Storm water control	HB 815
242		Local improvmnts/public corp	HB 1014
243	f	Commodity brokers	SB 5178
244	f	Proportional vehicle regis	SB 5605
245	f	Sales tax trust fund	SHB 198
246	f	Money making challenge	SB 5444
247		Breath alcohol testing	HB 663
248	f	Wellness program	SB 5217
249		Comm on Hispanic Affairs	SSB 5191
250		Recreational activities/regs	SHB 289
251		Civil service systm/sheriff	HB 816
252	f	ID on dentures	SB 5774
253		Mobile homes age/parks	SB 5863
254		Airport use fees/collectns	SHB 130
255	f	Levy rates/junior tax dists	HB 1185

Chapter No.		Title	Bill No.
		REGULAR SESSION—cont.	
256	f	Unemployment comp/benefit yr	SSB 5392
257		Grade crossing fund/MV fund	HB 1123
258		Surface mining permits	SHB 56
259	$	Aquatic land dredge acct	2SSB 5501
260	f	MV excise tax/collection	HB 947
261		Highway improvmnts/financing	HB 395
262		Fishing gear/foreign vessels	SHB 283
263		Govt official/civil liabilty	HB 590
264		Pilot qualifications	SSB 5650
265	f	Retiremnt/part-time teachers	SHB 1128
266	f	Dist ct credit cards	SSB 5464
267	f	Right-of-way donations	SB 5732
268	f	Campaign funds/investment	SB 5780
269	f	Peer review/liability	SB 5972
270		Supplemental trans budget	SSB 5456
271	f	Navy conveyances	SSB 5604
272	$	Navy home port Everett/funds	SHB 611
273		Aircraft/survival kits	HB 701
274	f	Tidelands/fed govt agreement	SHB 1098
275		Housing authorities	SB 5564
276	f	Bed & brkfst industry/study	HB 856
277		Indecent exposure	SB 6012
278	f	Unemploy comp base years	SSB 5232
279	$f	Ed telecommunications netwk	SSB 5977
280		Harassment	SSB 5142
281		Victims/witnesses/crimes	SB 5172
282	f	Tax/low-income housing	HB 1137
283	f	DSHS/overpayment recovery	SHB 274
284	f	Older/long-term unemployed	SSB 5393
285	f	Spec builders labor tax	SSB 5094
286	f	Execution dates	SB 5549
287	$f	Day care/community coll	2SSB 5871
288		Voter challenges/procedures	SHB 291
289	f	Port dists/mortgage facil	SSB 6023
290		Self-insurers/claim forwrdng	SHB 937
291		Marriage/authorized persons	HB 795
292		PUD annexation areas	SHB 1012
293	$f	Rural developmnt studies	SHB 373
294		MV fuel tax penalties	HB 24
295 PV		Election laws/genderless	HB 954
296	f	Voting time/employees	SB 5693
297	$	Bond ceiling/private activty	SHB 739
298		Special districts/provisions	HB 39
299		Public disclosure exemptions	SHB 244
300		Centennial cmsn/exec sec	HB 549
301	f	Prop tax/seniors/disabled	SHB 695
302	f	County auditors	SB 5120
303	f	Contractors/insur requiremnt	SB 5882
304	$f	Hearing impaired/telecomm	2SHB 221
305	$f	Higher ed opportunity progrm	HB 1021
306	f	Risk retention groups	HB 379

Chapter No.		Title	Bill No.
		REGULAR SESSION—cont.	
307		School dist brd of dir/pay	2SHB 163
308	$f	Public broadcasting	SSB 5285
309		Water/sewer competitive bids	SSB 5514
310 PV		Seat belt insurance	SSB 5113
311 PV		Junk vehicles	SSB 5124
312	f	Community corrections	SHB 755
313		Mobile homes	SSB 5814
314		Community coll collect barg	SSB 5225
315		Sewer/water improvnmt notice	HB 86
316	f	Industrial ins administratn	SHB 677
317		Health studios mem/sales	SSB 5838
318		MV retail contracts/interest	SB 5948
319 PV	f	Property tax provisions	HB 772
320 PV		Insurance rates/anti–theft	SHB 920
321	f	Prevailng wage/new cnstructn	SHB 95
322	f	Judicial council revised	SSB 5001
323 PV	f	Superior ct judge additional	SSB 5206
324	f	Assault	SB 5546
325		Fire serv dist charges	SHB 168
326	f	Retirement/mandatory assign	SSB 5511
327		Transp benefit districts	HB 396
328	f	MWBE certification	SB 5529
329	$f	Off of child care resources	SSB 6013
330		Boards & cmsns/revisions	SHB 454
331		Cemetery board/reorganize	SHB 450
332	f	Real estate licenses	SSB 5510
333		Telecomm/measured service	SHB 458
334	f	Tributyltin in paints	SSB 5978
335 PV		Animal cruelty	SSB 5608
336	f	Auction companies	SSB 5561
337		Public disclosure exemptns	SHB 324
338 PV		Credit unions/provisions	HB 146
339		Civil service exemptions	SHB 902
340		Improvement dist 200%	SSB 5520
341		Nonprofit historic preserv	SB 5747
342	f	Washington sunrise act	SB 5764
343		DOE/public waters	2SSB 5993
344	f	MV warranty enforce	SSB 5502
345		Traffic laws misdemeanor	SSB 5061
346 PV		Absentee voter/revisions	SHB 614
347	f	Parimutuel wagers/satellite	SHB 984
348	f	Office of small business	SSB 5530
349	$f	K–12 international ed	SB 5463
350	f	Aquatic lands/sales	HB 551
351	f	Childrens trust fund	SHB 506
352	f	Deeds of trust	SHB 391
353		Public accomodtns/pay for	SHB 601
354		Plats/administrative approvl	SHB 116
355		Local govt charges/collectn	HB 698
356		Utility service termination	HB 992
357	f	Wastewater treatmnt facility	SHB 388

Chapter No.		Title	Bill No.
		REGULAR SESSION—cont.	
358	f	Taxing dist boundaries	SHB 578
359		Voter registration/invalid	SHB 773
360		Urban arterial trust account	HB 748
361		Service of process/designee	HB 1199
362	f	Contractor reg # advertising	SSB 5024
363		Superior courts/provsns	SHB 217
364		Transp cmsn/retain experts	HB 338
365	f	Right to know	SSB 5405
366		Frat benefit societies/regs	HB 432
367	f	WA conservation corps	HB 707
368	f	Puget Island ferry	SB 5159
369	$f	Disability training	SSB 5326
370	f	Timeshares/laws	SHB 790
371	f	Financial respons proof/DOL	HB 277
372	f	Traps on private property	SHB 542
373		Alcohol tests/breath/blood	HB 1049
374	f	Subtidal clams/land leasing	SHB 928
375		School employ/hearng officrs	SHB 776
376		Joint operating agencies	HB 541
377		MV ins reduction/ed courses	HB 985
378	f	Motr veh code/security depst	HB 279
379 PV	f	Retirement/elected officials	SHB 440
380	f	Nat resource rules/violation	SHB 170
381		County fees reduction	HB 1016
382	f	Ct filing fees	SSB 5249
383		Horizontal property	SSB 5825
384	f	PERS/service credit	SSB 5512
385	f	Charity donation receptacles	SSB 5181
386		Liquor license/exporters	SHB 1158
387		Incentives/state employees	HB 91
388 PV	$	Driving w/o license	2SHB 196
389 PV		Western library network	HB 135
390	f	Deaf students/comm coll fee	SB 5678
391		Mortgage brokers/regs	SHB 80
392		Pilot discipline board	HB 629
393	f	Agriculture dept/provsns	SHB 353
394	f	Water well construction	SHB 231
395		Warehousemen's liens	SB 5085
396		Erotic material/minor access	SHB 734
397 PV		Traffic infractions	SSB 5850
398		Ed programs/bilingual	SHB 325
399		Water treat plant/municipal	SHB 571
400		Cities/competitive bid	SB 5428
401	f	School dist/innovative prgrm	SHB 786
402	f	Sexual offenders	SB 5550
403		Public records release	SHB 4
404 PV		Public employment records	SSB 5143
405	f	Wood stove emissions	2SHB 16
406	f	Drug treatmnt shelter prgrm	SHB 646
407 PV		Contractors/comm colleges	HB 171
408		Ocean resources assessment	SSB 5533

Chapter No.		Title	Bill No.
		REGULAR SESSION—cont.	
409	$f	Respite care	2SSB 5453
410	f	Methadone treatment programs	SHB 876
411		Legend drug samples/dispense	SHB 931
412 PV	$	Radiological techs/certs	SHB 134
413	f	School capital projects	SHB 1197
414 PV		Personal service contracts	SHB 88
415 PV	$f	Respiratory care practitnrs	SHB 767
416 PV	$f	Impaired physicians	SSB 5857
417	f	Retirement systems transfers	HB 10
418	f	Dir of pub safety/LEOFF ret	SHB 47
419		Contractor registratn/prvsns	SHB 364
420	f	Banking regulations	SHB 476
421	f	Debt–related securities	HB 713
422	f	Econ revitalztn board/laws	SHB 743
423		Lobbyist/reportng requirmnts	SHB 782
424		Road/maintenance costs/study	SHB 1160
425	f	IAC outdoor rec extend	SB 5035
426	f	Conflict of interest	SB 5201
427 PV	$f	Boating safety	SSB 5846
428		Rail development account	HB 1034
429	$	Rail development commission	SHB 1035
430	f	Child support modifications	SHB 413
431	f	WA health insurance pool	SHB 99
432		Lake management districts	SHB 63
433	f	Tax exmption/student loan	HB 1090
434 PV		Family independence program	2SHB 448
435	f	WA state support registry	SHB 420
436		Pollution control facilities	SHB 523
437		Teachers scholarship prgrm	SHB 857
438 PV	f	Noxious weed control/prvsns	SHB 648
439 PV	f	Involuntary commitment	2SSB 5074
440	f	Child support schedule cmsn	SHB 418
441	f	Paternity/admin determintn	SHB 419
442 PV		Judgments/enforcement	SHB 927
443 PV	f	Massage therapy	SSB 5299
444	f	Fraudulent transfer act	HB 94
445	f	Cosmetology	SB 5597
446	f	Tuition–fee progrm/reciprocl	SHB 1097
447		Naturopathic physicians	SSB 5219
448	f	Higher ed retire leaves	SB 5483
449 PV		Water/sewer dist provisions	SHB 2
450	$f	Fingerprint I.D. system	SHB 1065
451		Failure to adopt rules	SSB 5058
452		WA wine commission	2SHB 569
453	f	Horse racing cmsn/revsns	HB 831
454		Motorcycle helmets required	HB 161
455	$f	Retirement cost–of–living	SB 5380
456 PV	f	Criminal sentencing/provsns	2SHB 684
457		Employee co–ops/creating	SHB 430
458 PV		Alcohol & substance abuse	HB 1228
459	$f	Tuition recovery/private voc	SSB 5880

PV - Partial Veto; E1 - First Special Session; $ - Appropriation; f - Fiscal Note

Chapter No.		Title	Bill No.
		REGULAR SESSION—cont.	
460 PV		Parenting/revise provisions	SHB 48
461	f	Distressed area requirements	SHB 1156
462	f	Correctns standrds brd/elim	SHB 738
463	f	Driver record/accidents	SHB 83
464		Teacher certification	SHB 982
465	f	Wash scholar award	SB 5110
466		Surveys & maps	SSB 5439
467	f	Midwives	SSB 5163
468	f	Prop tax/arts organizations	HB 1087
469 PV	f	Highway advertising	SSB 5123
470 PV		Indust ins paymnts/penalty	HB 462
471 PV	f	Escrow agents/bonds/errors	SB 5739
472 PV	$f	DNR purchase properties	SSB 5911
473 PV	$f	Children/Governors cmsn	2SHB 813
474	f	Community docks	SSB 6061
475		Dependnt care prgrm/st emply	SHB 844
476 PV	$	Nursing homes/provisions	2SHB 1006
477		Boundary review boards	SB 5335
478		Learning asst program	SSB 5632
479	$f	Oil spill damage assessment	2SSB 5986
480		WA efficiency study cmsn	SHB 833
481	f	DOE/certify testing labs	SHB 644
482 PV	f	Mobile home park purchase	SHB 995
483	f	Lodgings/local excise tax	SSB 6064
484	f	Coll bargaining/UW printers	HB 220
485 PV		Pilotage requirements	SHB 630
486	$f	Child abuse info employees	2SSB 5063
487	f	Day care/school based	HB 452
488	f	Dangerous wastes	SSB 5071
489	$f	Child abuse prevention	2SSB 5252
490	f	Retirement overpayment	HB 3
491		Water rts/nonrelinquishment	SB 6003
492	f	Wash voc tech center	SB 5996
493	f	B&O tax/seed conditioning	HB 67
494	f	Tax/cmrcl fishng diesel fuel	HB 628
495	f	Hops/B&O tax	SSB 6033
496	f	Cigarette taxes/enforcement	HB 209
497	f	Tax deferrals/alum casting	2SHB 321
498		Banks/corporate powers	SHB 341
499	f	Columbia River Gorge Compact	2SHB 426
500		Wastewater permit/issuance	SHB 499
501	f	Tri-Cities/economy	SHB 1132
502 PV	f	Budget & accounting	SSB 5606
503 PV	$f	Child protective services	2SHB 586
504 PV	f	Information technology	2SSB 5555
505 PV	f	State publications provsns	SHB 25
506 PV	$	Wildlife/dept of	2SHB 758
507	f	Beginning teachers asst	SSB 5622
508 PV		ESD/board powers	SB 6053
509	f	Grain idemnity fund	SB 5571
510	f	1st Ave South bridge	SB 5129

Chapter No.			Title	Bill No.
			REGULAR SESSION—cont.	
511	PV	f	Lottery provisions	SHB 26
512	PV	$f	Credentialing act/counselors	SHB 129
513	PV	f	WA housing trust fund	2SHB 164
514	PV		Real estate license/inactive	HB 435
515	PV	f	LEOFF/medical/presumption	SSB 5801
516	PV	f	Water quality acct/distrib	HB 1205
517	PV	f	Yakima river basin enhancmnt	SHB 978
518	PV	f	Learning enhancement prgrms	2SHB 456
519		f	In-service training	SSB 5274
520			SR 161/Enchanted Pkwy	SB 5666
521	PV		Collective barg/firemen/EMTs	SHB 498
522	PV		Heating systems/district	SHB 425
523	PV		Floodplain management	SB 5556
524	PV	f	Protection of children	2SSB 5659
525	PV	f	School/teacher improve	SSB 5479
526		$f	Winter recreation	SSB 5081
527		f	Water quality acct transfer	HB 326
528	PV	f	Incinerator residues	SSB 5570
			FIRST SPECIAL SESSION	
2	E1	f	School finances/enhance	2SHB 455
3	E1		Bonds/capital projects	SHB 621
4	E1	f	Social welfare/B&O tax	SSB 5293
6	PV E1		Capital budget	SHB 327
5	E1	$f	Health care access act 1987	2SHB 477
7	PV E1		Appropriations act/87-89	SHB 1221
8	PV E1	$	Convention center/finance	SSB 5901
9	PV E1		Trans revenue & tax	SSB 6016
10	PV E1		Transportation approp	SSB 6076

PV - Partial Veto; E1 - First Special Session; $ - Appropriation; f - Fiscal Note

Executive Agencies

Office of Administrative Hearings
Judge David R. LaRose, Chief Administrative Law Judge

Department of Corrections
Chase A. Riveland, Secretary

Department of Fisheries
Joseph R. Blum, Director

Department of General Administration
Mary G. Faulk, Director

Washington State Lottery
Evelyn Y. Sun, Director

Department of Revenue
William R. Wilkerson, Director

Members Of Boards, Councils, Commissions

Washington State University
R. Dan Leary
Louis H. Pepper

The Evergreeen State College
Kay M. Boyd

Western Washington University
Gordon Sandison

State Board for Community College Education
Philip S. Hayes
Dr. Max M. Snyder

Higher Education Coordinating Board
Andrew S. Hess
Jon Runstad

Higher Education Facilities Authority
Harry E. Morgan, Jr.

Higher Education Personnel Board
Grace Chien

State School for the Deaf
Fred H. DeBerry
Marlyn Minkin

Bellevue Community College District No. 8
George E. Northcroft

Big Bend Community College District No. 18
Eloise V. Alvarez

Centralia Community College District No. 12
Gayer Dominick

Clark Community College District No. 14
William G. Morris

Columbia Basin Community College District No. 19
Rodolfo Cruz
Minh-Anh T. Hodge

Everett Community College District No. 5
William A. Black

Grays Harbor Community College District No. 2
Jack Durney

Green River Community College District No. 10
James D. Avers

Highline Community Colleger District No. 9
John P. Kniskern

Lower Columbia Community College District No. 13
Bill Mortimer

Olympic Community College District No. 3
Ernest M. Conrad

Peninsula Community College District No. 1
Julie A. Johnson

Seattle Community College District No. 6
Lowell E. Knutson

Shoreline Community College District No. 7
Linda S. Johnson
Susan M. Johnson

Spokane Community College District No. 17
Girard Clark

Skagit Valley Community College District No. 4
Mary Ann Funk

Tacoma Community College District No. 22
Robert E. Hunt
Dennis G. Seinfeld

Walla Walla Community College District No. 20
Don S. Schwerin
Alexander Swantz

Wenatchee Valley Community College District No. 15
Mary Henrie
Howard H. Pryor

Whatcom Community College District No. 21
Inez P. Johnson

Yakima Valley Community College District No. 16
Anthony Washines

Gubernatorial Appointments Confirmed

Apprenticeship Council
Bruce F. Brennan

Clemency and Pardons Board
Judge B. J. McLean

Corrections Standards Board
Merlyn M. Bell
Hector X. Gonzales

Export Assistance Center Board of Directors
Richard E. Bangert

Gambling Commission
Patrick J. Graham
Ann H. Noel
Robert Tull

Health Care Facilities
Ludwig Lobe

Hospital Commission
H.A. "Barney" Goltz, Chair
Joseph E. Hunt
Judith A. Klayman
Dr. Robert P. Shanewise

Human Rights Commission
John D. Sweesy

Indeterminate Sentencing Review Board
Kathryn S. Bail, Chair
Kaye Adkins
David L. Carlson
Robert E. Trimble
Douglas D. Walsh

Interagency Committee for Outdoor Recreation
Anne Cox
Joe C. Jones
Jeanie E. Marsden

State Investment Board
Gary Moore

State Lottery Commission
Roy M. Kalich

Marine Employees Commission
Louis O. Stewart

Oil and Gas Conservation Committee
Donald M. Ford

Pacific Northwest Electric Power and Conservation Planning Council
Kai N. Lee
William T. Trulove

Parks and Recreation Commission
Queenie Allado
Richard G. Dixon
Glenna S. Hall
Moyes Lucas
Edward T. Luders
John L. Shreve
Melvin D. Wortman

State Personnel Board
Charles Alexander
Richard C. Kelley

Personnel Appeals Board
Joanne Bailey Wilson

Board of Pharmacy
Maureen E. Sandison

Board of Pilotage Commissioners
William P. Ellis
Chester A. Richmond, Jr.

Pollution Control/Shorelines Hearings Board
Judith A. Bendor

Public Disclosure Commission
Ruth A. Beck
Bruce A. Wilson

Public Employees Relations Commission
Joseph F. Quinn

Sentencing Guidelines Commission
Patricia Anthony
Arthur D. Curtis
Barbara Granlund
Judge John J. Ripple
Judge Donald H. Thompson

Small Business Export Financial Assistance Center Board of Directors
Ruthann Kurose
Board of Tax Appeals
Lucille M. Carlson

Transportation Commission
William J. Kamps
Governor Albert D. Rosellini

1987 Regular Session of the Fiftieth Legislature

House of Representatives

Democratic Leadership

Joseph E. King ..... Speaker
John L. O'Brien ..... Speaker Pro Tempore
Pat McMullen ..... Majority Leader
Lorraine A. Hine ..... Democratic Caucus Chair
Marlin Appelwick ..... Majority Floor Leader
Dennis Dellwo ..... Majority Whip
Grace Cole ..... Assistant Majority Whip
Jim Jesernig ..... Assistant Majority Whip
Ron Meyers ..... Assistant Majority Whip
Dick Fisch ..... Democratic Caucus Vice Chair/Secretary

Republican Leadership

Clyde Ballard ..... Minority Leader
Eugene Prince ..... Republican Caucus Chair
Jean Marie Brough ..... Minority Floor Leader
Louise Miller ..... Minority Whip
Fred May ..... Assistant Minority Floor Leader
Jim Lewis ..... Assistant Minority Floor Leader
Bob Williams .... Republican Organization Leader
Shirley Hankins .. Republican Organization Leader
Sally Walker ..... Republican Caucus Vice Chair
Dick Schoon ..... Assistant Minority Whip
Steve Fuhrman ..... Assistant Minority Whip

Alan Thompson ..... Chief Clerk
Sharon Case ..... Asst. Chief Clerk
Ross Young ..... Sergeant at Arms

Senate

Officers

John A. Cherberg ..... President
A.L. "Slim" Rasmussen .... President Pro Tempore
Albert Bauer ..... Vice President Pro Tempore
Sid Snyder ..... Secretary
Bill Gleason ..... Assistant Secretary
O.F. "Ole" Scarpelli ..... Sergeant at Arms

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Democratic Caucus
R. Ted Bottiger ..... Majority Leader
George Fleming ..... Caucus Chair
Larry L. Vognild ..... Assistant Majority Leader
R. Lorraine Wojahn ..... Caucus Vice Chair
Rich S. Bender ..... Majority Whip

Republican Caucus

Jeannette Hayner ..... Republican Leader
George L. Sellar ..... Caucus Chair
Irv Newhouse ..... Republican Floor Leader
Hal Zimmerman ..... Republican Whip
Stanley C. Johnson ..... Caucus Vice Chair
Gerald L. (Jerry) Saling ..... Republican Assistant Floor Leader
Jack Metcalf ..... Republican Assistant Whip
Peter von Reichbauer ... Rep. Policy Comm. Chair
Emilio Cantu ..... Republican Deputy Leader

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Pete Kremen, Vice Chair
Forrest Baugher
Tom Bristow
Peter T. Brooks
Glyn Chandler
Shirley Doty
Bill Grant
Barbara Holm
Ken Jacobsen
Alex McLean
John Moyer
Darwin Nealey
Marilyn Rasmussen

House Commerce and Labor

Art Wang, Chair
Grace Cole, Vice Chair
Richard E. Fisch
Ruth Fisher
Richard King
John O'Brien
Mike Patrick
Paul Sanders
Doug Sayan
Curt Smith
Sally Walker

House Constitution, Elections and Ethics

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Wes Pruitt, Vice Chair
Neil Amondson
Richard O. Barnes
Richard E. Fisch
June Leonard
Paul Sanders

House Education

Brian Ebersole, Chair
Harriet Spanel, Vice Chair
Marlin Appelwick
John W. Betrozoff
Grace Cole
David Cooper
Steve Fuhrman
Bruce Holland
Barbara Holm
Paul King
Kim Peery
Wes Pruitt
Marilyn Rasmussen
Margaret Rayburn
Nancy Rust
Dick Schoon
Linda Smith
Ren Taylor
Mike Todd
Georgette Valle
Sally Walker

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Peter T. Brooks
P.J. "Jim" Gallagher
Shirley Hankins
Ken Jacobsen
Jim Jesernig
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Dean Sutherland
Jolene Unsoeld
Sim Wilson

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Georgette Valle, Vice Chair
Katherine Allen
Joanne Brekke
Roy Ferguson
Jim Jesernig
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Dick Schoon
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John W. Betrozoff
Glyn Chandler
Ernest Crane
Bill Day
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Paul King
Ron Meyers
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Jim Hargrove
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John Moyer
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Emilio Cantu
Gary A. Nelson
Bill Smitherman
Lois J. Stratton, Chair
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Bill Kiskaddon

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see **Senate Education**

see **Senate Commerce and Labor**

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see **Senate Ways and Means**